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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 340

CHEROKEE R487 - R541

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher R 487

Cher R 487

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 16 1901

Acting Chairman

Clerk in charge.

REJECTED, as to wife, Mollie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 13,1900.

In the matter of the application of Houston Ratliff for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Houston Ratliff.
Q Have you any middle name? A No, sir.
Q How old are you? A 22.
Q What is your postoffice? A Cookson.
Q In what district do you live? A Illinois.
Q Who is it you want to enroll? A Just myself.
Q Have you got a wife? A Yes, sir.
Q No children? A No, sir.
Q Yourself and wife? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A Dan Ratliff.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Annie ~~Ratliff~~.Ratliff.
Q Is she dead? A No, sir.
Q Give me the name of your wife? A Mollie.
Q How old is she? A She is 17.
Q When did you marry her? A In 1898.
Q What was her name when you married her? A Mollie Carter.
Q Have you a certificate of marriage? A Yes, sir. (Produces papers.)

Com'r:-The applicant presents license issued by the Clerk of the United States Court for the Northern District of the Indian Territory December 15, 1898, authorizing marriage between himself and his wife; the certificate shows that they were united in marriage on the 18th day of the same month and in the same year by the Rev. Nicholas Bitting; this is filed herewith.

1880 roll, page 575, #1573, Houston Ratcliff, Illinois Dist. Native
1896 roll, page 894, #1530, Houston Ratliff Illinois Dist.

Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself and wife; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

His wife is a white woman; she is shown to have married him in 1898; the license and certificate are filed herewith; but they married too late, under the Cherokee law of December 16, 1895, to entitle her to enrollment at this time; therefore the application for her enrollment is rejected.

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this December 13,1900.

(Signed) T. B. Needles,

Commissioner.

[redacted]

Wilbur E. Gossinger

[redacted]

[redacted]

R 487

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Mollie Ratliff

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Denied

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)ss. No. 217.
Northern District.)

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. Huston Ratliff of Cookson in the Indian Territory, aged 20 years, and Miss Mollie Carter, of Cookson in the Indian Territory, aged 15 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, this 16th day of December A. D. 1898.

Seal. James A. Winston,
Clerk of the U. S. Court.

By H. W. C. Shelton, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Nicholas Bitting, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 18th day of December A. D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 19th day of December A. D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 149.

Nicholas Bitting,
a Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 14 day of Mch, 1899, at... .....M., and duly recorded in Book G, Marriage Record, Page 473.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 15 day of Mch, A. D. 1899.

Jas. A. Winston, Clerk.
By.....Deputy.

Rec'd 12-19-98 at 10-15 A M

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Mollie Ratliff, as a Cherokee citizen. R 487.

Retta Chuck

D

R487

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mollie Ratliff, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eighty-seven, it is entitled Mollie Ratliff, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R.487.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Mollie Ratliff,

Cookson, Indian Territory.

Madam:

On the 12th day of December, 1900, your husband, Houston Ratliff appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarried of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white person; that you were married on the 18th day of December, 1898, to

Houston Hatliff, your said husband, a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee census roll of 1896, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895; which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

A[redacted]n.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FEB 14 1902

Indian Territory

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 23 1902
Appeals Division

J. R. S.

T.

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1900-1902.
D. C. 0888-1902.

April 3, 1902.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to your letter of even date transmitting the application of Nillie, R. T., applicant for enrollment as an intermarried citizen of the Choctaw Nation, you are advised that the application of R. [illegible] as a citizen by intermarriage is not supported by the evidence in the record. The evidence adduced in support of the application of Nillie, R. T., enrollment as an intermarried citizen of the Choctaw Nation, was received subsequent to the promulgation of December 16, 1895, quoted in the decision in the case of Kilpatrick.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

L. R. S. F. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D 1900-1902.
D. C. 6252-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Mollie Ratliff, R 487, for enrollment as an inter married citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D . L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 24 1902

ACTING CHAIRMAN.

L. R. S. 7. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED.
APR 24 1902.

ACTING CHAIRMAN.

Cherokee R-426 H87

Muskogee, Indian Territory, April 17, 1902

Mollie Ratliff,

Cookson, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDRINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-487,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mellie Ratliff, Cherokee No. R. 487, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee - 7.

Muskogee, Indian Territory, August 20, 1902.

Hoester Battiff,

Jackson, Indian Territory.

Sir:

When you applied to this Commission for the enrollment of Mollie Battiff as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on December 19, 1888, to Miss Mollie Carter.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
R-1.

Cher R 488

Cher R 488

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 16 1900

Acting Chairman.

Commissioner.

Commissioner.

(Signed) T.J.Scullen,

Commissioner.

Arthur G. Gremingh, being duly sworn, stated that as stenographer to Commissioner to the Pure Circuit Court he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Gremingh

Subscribed and sworn to before me this 4th day of November, 1913.

Commissioner.

ENROLLED AS TO WIFE, MARY S.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 12, 1906.

In the matter of the application of William F. Gess for the enrollment of himself, wife and child as Cherokee citizens; being duly and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A William F. Gess.
Q How old are you? A 36.
Q What is your postoffice? A Stilwell.
Q In what district do you live? A Saingwatie.
Q What is it you want in Dawes? A Myself and family.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Give me the name of your father? A B. F. Gess.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A B. A. Gess.
Q Is she alive? A Yes, sir.
Q Give me the name of your wife? A Mary S. Gess.
Q How old is she? A She is 22.
Q When did you marry her? A In 1906.
Q What was her name when you married her? A Mary Bateman.
Q Have you a certificate of marriage? A No, sir, I haven't.
I did have one but it got misplaced.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Give me the name of your child? A Mamie J. Gess.
Q How old is that child? A Three months.
Q Isn't your marriage certificate of record? A Yes, sir, I had it recorded in the Clerk's books of Saingwatie.
1880 roll page 457 #217 William Gess Going Snake Native.
1896 roll page 751 #965 William F. Gess Saingwatie.
1896 roll for wife and name not found.
Q What time did you marry in 1906? A 12th day of December.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood; he states that he was married to his wife December 1906; neither was previously married; she is not identified with him on the roll of 1896, and he hasn't official evidence of his marriage at this time; his marriage in any event was too late to entitle his wife to enrollment under the Cherokee law of December 16, 1895, and the application for her enrollment is rejected. It is desired that the applicant establish his marriage by an official copy of the record, which he states can be procured; in the meantime his child Mary J. Gess, said to be three months of age, will when the Commission is supplied with certificates of birth, be placed upon a doubtful card, as a Cherokee by blood, to await evidence as stated of the marriage between its father and mother.

N.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) N. D. Green.

Subscribed and sworn to before me this December 12, 1906.

R 488

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN

[illegible] BIRTHS AND ADOPTIONS.

Date DEC 12 1900 1900.

Year Page No.

Born by blood Mother's citizenship

United States

Married under what law Date of marriage

Certificate

Mary A. Goss

Year Page No.

Children by blood Mother's citizenship

Naturalized citizen Old

Married under what law Date of marriage

Divorce Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Recorded

R488

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
ACTING CLERK

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mary S. Goss, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eighty-eight, it is entitled Mary S. Goss, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 488.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Mary S. Goss,

Stilwell, Indian Territory.

Madam:

On the 12th day of December, 1900, your husband, William P. Goss, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . : ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of Laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married to William P. Goss, your said husband, a citizen by blood of the Cherokee Nation, on the 13th day of December, 1896, and that you were never married before. Such marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

[redacted]an.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1902

FEB 17 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 24 1902

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2124-1902.
D. C. 6259-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Mary S. Goss, R 488, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 24 1902

ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-488.

Muskogee, Indian Territory, April 17, 1902.

Mary E. Gass,

Stilwell, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of yourself as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECHINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-498.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mary S. Goss, Cherokee No. R 498, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND. TER.
APR 20 1905

6511

Wilson

Cher R 489

Cher R 489

Department of the Interior,
Commission to the Five Civilized Tribes,
December, 13th, 1900, Tahlequah, I. T.

In the matter of the application of Josiah White for the enrollment of himself, wife and two children as Cherokee citizens NZ He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. Josiah White.
Q What is your age? A. 22.
Q What is your post office address? A. Fairland.
Q What district do you live in? A. Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or inter-marriage? A. By blood.
Q Who do you apply for? A. Myself, wife and two kids.
Q What is your wifes name? A. Ida.
Q Is she a Cherokee by blood? A. No sir.
Q Have you a certificate of marriage? A. Yes sir.

Applicant presents a duly authenticated marriage license and certificate certifying that on the 18th of January 1900, he was married to Miss Ida Haughton, a non-citizen according to the laws of the United States.

Q What is the age of your wife? A. 22.
Q What are the names of your children? A. Bertha.
Q How old? A. 2 years.
Q Next child? A. Donovan
Q How old? A. One year on the 9th of Febry.
Q Is Ida the mother of these children? A. Yes sir.
Q Were they born before your marriage to her? A. One of them was.
Q You do not seem to be on the roll of 1896? A. We were admitted.

1896 roll, page 261, No 3380, Josiah White, Delaware dist.

The applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on citizenship, dated 30th day of June, 1888, signed by J. T. Adair Chairman, attested by Connell Rogers, Clerk, approved and endorsed by J. B. Mayes, Principal Chief under the great seal of the Cherokee Nation, certifying that on the 27th of September, 1887 one Josiah White was admitted to Cherokee citizenship.

Q Are you the identical Josiah White mentioned in this certificate of admission? A. Yes sir.
Q Have you lived in the Cherokee Nation continuously since your admission in 1887? A. Yes sir.
Q You and your wife Ida were married in 1900? A. Yes sir.
Q Have you any proof as to the birth of these two children? A. Yes sir.

The applicant presents proof of birth as to Bertha, his child, certifying that she was born on the 25th day of May 1898, now two years of age, and also one as to the birth of a younger child, Donovan, born on the 19th day of Febry. 1900.

The testimony shows that his alleged daughter was born on the 25th day of May 1898, two years before the marriage of himself and

his wife, and that the youngest child was born on the 9th day of February, 1900, about three weeks after the date of his marriage to his wife. The have of Judith White is [illegible] on the roll of 1896 and he makes satisfactory proof as to his admission to Cherokee citizenship as well as to his residence, consequently he will be listed for enrollment as a Cherokee citizen by blood. He applies for the enrollment of his wife, a white woman, to whom he was married in 1896, too late under the Cherokee laws to give her any property rights as an intermarried citizen, consequently the application for her enrollment is rejected. He also applies for the enrollment of two children, Martha and Benoven White. The said Martha was born two years before the marriage of himself to his wife, and the child Benoven was born about three weeks after his marriage to his wife. He swore that he is the father of said children, but because of the question of their birth the said children as set forth in the testimony, the final decision of the Commission as to their enrollment will be suspended and they will be placed on a doubtful card as Cherokees by blood.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 16th of December, 1900.

C. A. Meacham

Commissioner.

R 489

"a"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 19 1900 1900.

Name Fairland Ind. Ty

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name (22) Ida White nee Hampton

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Rejected married to

Married under what law Date of marriage

License Certificate

Names of Children:

~~Bertha White~~	Dist.	Year	Page	No.	Age 2
~~Donovan "~~	Dist.	Year	Page	No.	Age 1
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

~~Proof of births duplicate~~

D R489

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida White, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eighty-nine, it is entitled Ida White, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R.489

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Ida White,

Fairland, Indian Territory.

Madam:

On the 18th day of December, 1900, your husband, Josiah White, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share

in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 18th day of January, 1900, to Josiah White, your said husband, a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee census roll of 1896, and your said mar-

riage was contracted after the enactment of the Cherokee marriage law of December 16, 1896, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case, the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.
[redacted].
Commissioner in Charge.

Registers.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Ida White *for enrollment as citizen of the Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No. 5489

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 21 1902

L. R. S F. J. F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1901-1902
D. C. 6253-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental le ter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the CherokeeNation, you are advised that the application of Ida White , R 489, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokeelaw of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

[illegible] OF THE INTERIOR,
[illegible] TO THE [illegible] CIVILIZED TRIBES
[illegible]
[illegible] 1902

ACTING CHAIRMAN

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-489

Muskogee, Indian Territory, April 17, 1902.

Ida White,

Fairland, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-489.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ida White, Cherokee No. R 489, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee D-488.

Muskogee, Indian Territory, August 20, 1902.

Josiah White,

Fairland, Indian Territory,

Sir:

When you applied to this Commission for the enrollment of Ida White as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on January 18, 1900, to Miss Ida Hampton.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-36.

Cher R 490

Cher R 490

R 490

DEPARTMENT OF THE INTERIOR
[illegible] TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 15 1900
[illegible]

REJECTED, as to wife, IDA.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T. December 12, 1900.

In the matter of the application of George Blevins for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A George Blevins.
Q No middle name? A No sir.
Q How old are you? A I am about 20 or 21.
Q What is your post-office? A Grove.
Q In what district do you live? A Delaware.
Q Who do you want to enroll? A Myself wife and one child.
Q Are you a Cherokee by blood? A Yes sir.
Q Your wife a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation, all your life.
A Yes sir.
Q Give me the name of your father? A Burrell Blevins.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Sarah Blevins.
Q Is she dead? A No sir.
Q Give me the name of your wife? A Ida Blevins.
Q How old is she? A 19.
Q When did you marry her? A 1897.
Q Have you a certificate of marriage? A Yes sir. (Produces papers)
Q What was her name when you married her? A Ida Williams.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q She live with you ever since she married you? A Yes sir
Com'r: The applicant presents certificate of marriage showing that he and his wife were married on the 1st of March 1897 by the clerk of Delaware District; this is filed herewith.
Your child's name is Pleasant is it? A Yes sir.
Q Two years old 1st February. A Yes sir
1880 roll page 219 #87 as Geo W. Blevins Delaware native Cher 1 yr old
1896 roll page 434 #126 George Blevins Delaware.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood;

His wife is shown to have married him March 1st, 1897; neither was previously married; she has lived with him ever since their marriage, but her marriage is too late under the Cherokee law of December 16, 1895, to entitle her to enrollment; therefore the application for her enrollment is rejected; she is a white woman;

when proper certificate of birth of their child Pleasant is filed with the Commission this child also will be listed for enrollment as a Cherokee by blood.

M.D. GREEN, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. M D Green

Subscribed and sworn to before me this Dec. 18, 1900.

Commissioner.

R 490

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN.

Number of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ida Blevins

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

CR 490

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida Blevins, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and ninety, it is entitled Ida Blevins, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

[redacted]

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. 8 690

COMMISSIONERS:
TIMOTHY L. DAVIS,
ALEX SHOTT,
THOMAS B. NEWLIN,
C. R. BREWER.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Mrs. Ida Blevins,

Grove, Indian Territory.

Madam:

On the 12th day of December, 1902, your husband, George Blevins,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 1st day of March, 1897, ..., 190 , to one George Blevins, your said husband, ... a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

Inclosure.

By (Signed) [redacted]

Register.

[redacted].

T. B. Needles.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

1902

Ida B.

R 740

DEPARTMENT OF THE INTERIOR
COMMISSION OF THE LIVE STOCK BUREAU
FILED
APR 21 1902

L. R. S. F. J. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D., 2128-1902.
D. C. 6884-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ida Blevins, R 490, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR. 24 1902
ACTING CHAIRMAN.

L. R. S. 7. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-[illegible].

Muskogee, Indian Territory, April 17, 1902.

Ida Blevins,

Grove, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

[illegible]ner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEWLAND.
C. R. BREARINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-400.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting the application of Ida Elevine, Cherokee No. R 400, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April 1902.

Very respectfully,

Acting Chairman.

Ida Elovina

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 411

Cher R 411

R491
"A"
164

Department of the Interior/
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13th, 1900.

In the matter of the application of John W. Witt for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A John W. Witt.
Q How old are you? A Thirty three.
Q What is your Postoffice? A Kansas.
Q In what district do you live? A Delaware.
Q Who is it you want to have enrolled; yourself and family?
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a white woman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A
A Yes sir.
Q Give me the name of your father? A Felix Witt.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Jane Witt.
Q Is she dead? A No sir.
Q Give me the name of your wife? A Ellen Witt.
Q How old is she? A She is twenty I believe.
Q When did you marry her? A A little over a year ago.
Q Have you a certificate of your marriage? A Yes sir.

Com'r. C. R. Breckinridge: The applicant presents a license, issued by the Clerk of the United States Court for the Northern District of the Indian Territory, authorizing marriage between himself and Miss Ellen Dyer, May 26th, 1898., and the certificate shows that they were married three days thereafter by the Reverend W. H. Sullivan. This is filed herewith.
Q Yo u were married more than two years ago? A Yes sir.
Q Have you and your wife lived together ever since you were married? A Yes sir.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the names of your children? A Naoma Witt.
Q How old is that child? A Somewhere - not quite two years old.
Q Your next child? A Rufus.
Q Have either of these children any middle name? A No sir.
Q How old is Rufus? A About three years old I expect.

(1880 Roll, Page 491, #2006, John Witt, Goingsnake District)
(1896 Roll, Page 558, #3574, John W. Witt, Delaware District)

Q What was your wife's maiden name? A Ellen Dyer.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and two children. He is identified on the rolls of 1880 and 1896 as a native Cherokee: He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

He is shown to have married his wife in accordance with the license and certificate filed herewith on May 29th, 1898: They have lived together ever since: Neither was previously married, but their marriage is too late under the Cherokee law of December 16th, 1895, to entitle her to enrollment: Therefore, the application for her enrollment is rejected.

When he files proper certificates of the birth of his two children, Naoma and Rufus Witt, children of this marriage, they also will be listed for enrollment as Cherokees by blood.

[redacted]

[redacted]

[redacted]

R 491

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 13 1900

ACTING CHAIRMAN.

Enrolling of Applicant Tribe Under Act.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ellen Will

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

Encl 10 35

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 20 day of July, 189 9, at ..... M., and duly recorded in Book ....., Marriage Record, Page 1 4 / 5

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 21 day of July A. D. 189 9

Jas. A. Winston Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
DEC 13 1900
ACTING CHAIRMAN.

Encl 18 R 471

"D"

Encl 10 35

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 20 day of July, 189 9, at ..... M., and duly recorded in Book ....., Marriage Record, Page 1 4 5 1

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 21 day of July, A. D. 189 8

Jas. A. Winston, Clerk.

By ..... Deputy.

Encl 2 R 4 9 1

"D"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 1900
ACTING CHAIRMAN.

FILED

JUL 20 1898

Jas. A. Winston
Clerk

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

No. 157

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. John Witt *of* Kansas *in the* Indian Territory, *aged* 30 *years, and* Miss Ellen Dyer, *of* Kansas *in the* Indian Territory, *aged* 20 *years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and official seal at Tahlequah, this 26th *day of* May *A. D. 189*8

James A. Winston
Clerk of the U. S. Court.

By H. W. C. Shelton *Deputy.*

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

I, W. H. Sullivan, a M G

DO HEREBY CERTIFY, that on the 29 *day of* May *A. D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 29 *day of* May *A. D. 1898.*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book CL *, Page* 449 & 450

W. H. Sullivan
a M G

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

D R 4791

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ellen Witt, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and ninety-one, it is entitled Ellen Witt, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

[illegible]

CHEROKEE CASE No. 8 ....491.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEWLON,
C. R. BREDENSTEIN.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory....February 14,.....1902.

Mrs. Ellen Witt,

Kansas, Indian Territory.

Madam:

On the....13th.....day of.....October,.....1902,

your husband, John W. Witt,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 660, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 29th day of May, 1898 ....., 190 , to one John W. Witt, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of ..... yourself ..... as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to ..... you ..... as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted]

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1902

Ellen Wilt

Cherokee No. R 491

I. T. D.

S.P.

D.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I. T. D. 1000-1908.
D. C. 6000-1908.

April 3, 1908.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are hereby advised that the application of Ellen Witt, R 481, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 14, 1896, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.L.

[illegible]

COMMISSIONER [illegible] TRADE

[illegible]

[illegible] 1962

ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 5 1902
ACTING CHAIRMAN

Cher. R-481

Muskogee, Indian Territory, April 17, 1902.

Ellen Witt,

Kansas, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-S-451.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ellen Witt, Cherokee No. R 451, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-491.

Muskogee, Indian Territory, August 20,1902.

John W. Witt,

Kansas, Indian Territory.

Sir:

When you applied to this Commission for the enrollment of Ellen Witt as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on May 29, 1898, to Miss Ellen Dyer.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-35.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
FEB
MUSKOGEE, I.T.

Return to Writer

KANSAS
MAR 26
1904
I.T.

2375

Mrs. Ellen Witt,
Kansas,
Indian Territory.

Moved to Canady

Reg. No. 40

Return to Writer

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

6885

REG. MAY 26 1902 MUSKOGEE, IND.

MAY 28 1902 IND. T.

Ellen Witt
Kansas

Gone to Canada Reg. No. 21 Ind. T.

Department of the Interior.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 9 1902
ACTING CHAIRMAN

REGISTERED. MAR 28 1902 MUSKOGEE, IND. TER.

REGISTERED.
MAY
3,
1907
MUSKOGEE, IND. TER.

Return to writer

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE IND. T.
AUG 22
330 PM
1902

John W. Witt

Kansas

I. T.

REFUSED

ACT

RETARY OF INTERIOR

Cher R 442

R 492

DEC 10 1964
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 13, 1902.

In the matter of the application of Thomas J. Jordan for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Thomas J. Jordan.
Q How old are you? A 51 or 2; I can't say for sure which.
Q What is your postoffice? A Gallinaville, I.T.
Q In what district do you live? A Cooweescoowee.
Q Who do you want to enroll? A Myself and four children.
Q You haven't a wife? A Yes sir I have. But my first wife is dead; the wife I had those children by.
Q And your present wife, when did you marry her? A Last July.
Q She's a white woman? A Yes sir.
Q And you are a Cherokee by blood? A Yes sir.
Q You apply for yourself, wife and four children? A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A No sir. I was out there in the strip, and afterwards in Oklahoma when that country was settled.
Q Were you born in the Cherokee Nation? A No sir, in Texas.
Q When did you first come to the Cherokee Nation? A In '74.
Q How long did you stay here? A Until '89.
Q And then where did you go? A Went out in the Cherokee strip.
Q When did you come back to the Cherokee Nation from there? A Came back two years ago and a little over: in June.
Q You came back in June, 1900? A Yes sir.
Q About when? A June 15th.
Q Are you sure it wasn't later? A I am sure it wasn't any later. I bought and received a bunch of cattle in the Cherokee Nation on the 15th, after I returned.
Q You received land in the strip? A Yes sir.
Q Did you sell that land? A Yes sir.
Q Did you draw strip money in 1894? A Yes sir.
Q Was your land deducted out there from this strip money? A Yes sir.
Q They didn't admit you to enrollment in 1896? A No sir. I think not.
Q When you were in the Cherokee strip, and afterwards in Oklahoma, did you vote out there? A Yes sir.
Q Did you vote in all the elections just like anyone else? A Not in all of them. I think I voted in one of them.
Q What was that for? A In the County election.
Q Didn't you vote in the lection for Delegate in 1896? A I am not sure whether I did or not.
Q Did you ever vote for a member of the territory legislature? A I think so.
Q Wasn't your father running for legislature out there? A I couldn't say.
Q You don't remember voting for him? A No sir, I do not. I don't think he ever run.
Q Did you ever vote for Mr. Flynn, the delegate in Congress: for him or against him? A It seems to me that I voted the county and territorial ticket.
Q Did you vote in the election for delegate in Congress? A I voted in one election. I voted the straight ticket. I voted everything that was on the ticket.
Q Was that in 1896? A I don't know what year it was in. I think it was the second election.
Q In 98? A I think it was. It was four years ago I voted out there.
Q You voted the full ticket in 1896 at the general election? A Yes sir.
Q Did you ever apply for recognition in Cherokee citizenship after

you came back in 1893? A No sir.
Q Give me the name of your present wife? A Mary.
Q How old is she? A She's 18 years old.
Q What was her name when you married her? A Conrad.
Q That was her maiden name was it? A Yes sir.
Q Was she ever married except to you? A No sir.
Q You were married once before you married her? A Yes sir.
Q Only once? A Yes sir.
Q Was that wife dead before you married this wife? A Yes sir.
Q Give me the name of your father. A John W.
Q Is he dead? A No sir.
Q Give me the name of your mother. A Sallie.
Q Is she dead? A Yes sir.
Q Have you permanently resumed your residence here in the Cherokee Nation? A Yes sir.
Q You don't look upon the Oklahoma country as your residence anymore? A I have no inducements in Oklahoma whatever.
Q Your home and interests are here? A Yes sir.
Q What are the names of your children? A Felix.
Q How old is that child? A 11.
Q The next child? A Mollie.
Q How old is she? A 8.
Q The next child? A Jessie.
Q How old is that childK? A 7.
Q The next child? A John W.
Q How old is that child? A Four I believe.
Q Are these children all living with you now? A Yes sir.
Q Which ones of them were born in Oklahoma? A The two youngest ones.
Q Where were Felix and Mollie born? A They were born in the strip. The two older ones were born in the strip when it was opened.
Q And the latter two were born after the opening of the strip? A Yes sir.
Q Your wife and children came with you when you came back to the Cherokee Nation? A My wife was dead. She died in Oklahoma, and I brought the children back.
Q Give me the name of the mother of these children. A Nannie Jordan.
Q Was she a white woman? A No sir, she was the daughter of Richard Riley.
Q Have you a certificate of marriage? A No sir.
Q Where did you marry her? A In Canadian district. Henry Lowery married us. I don't know whether he was judge or Clerk.
Q Did you take her to the strip with you? A Yes sir, took her with me and she died there.
Q How long has she been dead? A Two years.
Q When did you marry your present wife? A July 24th this year.
Q Have you a license and certificate of marriage to her? A I have it at home. I didn't bring it with me.
Q When did you marry your wife, Nannie? A I n[illegible] or [illegible], I am not positive which it was; in '88 I think.
Q And you lived with her until she died? A Yes sir.
Q Give me the name of her father. A Richard Riley.
Q Is he dead? A No sir.
Q Give me the name of her mother? A Polly Ann Riley.
Q Is she dead? A No sir.
Q How old was your wife when she died? A She was thirty.
Q Did she live in the Cherokee Nation all her life except her residence in the strip with you? A Yes sir.
Q Did she draw Cherokee strip money? A Yes sir, except the deduction.
1880 roll; page 27, #707, T. J. Jordan, Canadian district
1880 roll; page 808, #1927, Nancy Riley, Tahlequah district
1894 roll; page 14, #26, Thomas Jackson Jordan, Reservator.

1894 roll; page 14, #26, Nancy Jordan, Reservator.
1894 roll; page 14, #27, Felix W. Jordan, "
14, #28, Mollie " "

Q Have you a certificate of your marriage to your first wife, Nannie? A No sir, I haven't, I can get one.
Q You will have no trouble in getting that? A No sir.
Q And also of your marriage to your present wife? A Yes sir.

Commissioner Breakinridge-

The applicant applies for the enrollment of hi self, his wife, and four children; the children being by a former wife. He is identified on the roll of 1880 as a Cherokee by blood, and he is identified on the roll of 1894 as a reservator, having received a diminished amount of Cherokee strip money. He is not on the roll of 1896. He states that he came to the Cherokee Nation in 1874, staid until 1883, and then moved out on the strip, from which place he returned June 15, 1898, or shortly prior to that time. It appears that he exercised the right of suffrage in Oklahoma territory in the general election of 1896, but has considered himself a Cherokee citizen exclusively since his return in 1898, but he has never applied in any formal manner for readmission to citizenship. He will be listed for enrollment as a Cherokee by blood on a doubtful card to consider his rights under the conditions stated. He states that he married his wife, Mary, in July, of the present year; that she was never previously married; that he was once previously married, but that his former wife was dead before he married his present wife. His present wife is a white woman. He states that he can file official copy of their marriage certificate. The application for her enrollment cannot be granted, if for no other reason than because of the lateness of this marriage under the Cherokee law of Dec. 16, 1895, and therefore, the application for the enrollment of his wife is rejected. The four children named in the testimony are children of the applicant's former wife. Two of them, Felix and Mollie, the two older, are identified with their father and mother on the roll of 1894. The mother of these children is identified on the roll of 1880 also as a native Cherokee. The applicant states that he married this wife in about 1868, and they lived together until she died. She lived in the Cherokee Nation all her life, except that she moved with him to Oklahoma to the Cherokee strip, and lived with him until she died. The two older children were born before the strip became Oklahoma territory, and the two younger children, Jessie and John W., were born after the strip became a part of Oklahoma territory. All four of these children, Felix, Mollie, Jessie and John W., will now be listed for enrollment as Cherokees by blood upon a doubtful card for the further consideration of their case; and the applicant is desired to supply the Commission with a copy of the official record of his first marriage, which he states he can do. The applicant is also desired to supply the Commission with certificates of birth of the two younger children, Jessie and John W., they not being upon any roll.

E.C. Rothenberger, being duly sworn, states that he took notes relative to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 14th day of December, 1900.

Commissioner.

N 492

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 1900

ACTING CHAIRMAN

Intermarried Applicant Tribal Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Mary Jordan

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage 1900

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

Evidence of marriage Unsatisfactory

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mary Jordan, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and ninety-two, it is entitled Mary Jordan, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Acting Chairman.
Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 492.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Mary Jordan,

Collinsville, Indian Territory.

Madam:

On the 13th day of December, 1900, your husband, Thomas J. Jordan, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 859 to Sec. 869, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (sc) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white woman; that you were married in July, 1900, to Thomas J. Jordan, your said husband, who is alleged to be a citizen by blood of the Cherokee Nation. You were never married before, and in any event your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application [illegible] unmarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

By (Signed) T. B. Needles.

[redacted].

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of (FEB 1 1902) in the matter of the application of Mary Jordan for enrollment as a citizen of the Cherokee Nation.

Attorney for Cherokee Nation

Cherokee No. R. 492.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
Acting Commissioner

L. R. S.

S.P.

F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I. T. D. [illegible]
R. C. [illegible]

April 5, 1906.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 29, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Mary Jackson, R 430, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1896, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.L.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 2081-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 662 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles F. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible]

[illegible]

FILED

[illegible] 1992

ACTING CHAIRMAN

Cherokee R-492.

Muskogee, Indian Territory, April 17, 1902.

Mary Jordan,

Collinsville, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDINGS.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-492.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mary Jordan, Cherokee No. R 492, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

R 102

Mary Jordan.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 413

Cher R 413

R 493

"9"

FILED
DEC 17 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
December, 13th, 1900, Tahlequah, I. T.

In the matter of the application of Glen Thompson for the enrollment of himself, wife and one child. He being sworn before Commissioner Breckinridge, testified as follows-

Q What is your name? A. Glen Thompson.
Q What is your age? A. 20.
Q What is your post office? A. Kansas, I. T.
Q What district do you live in? A. Delaware
Q Who is it that you want to have enrolled? A. Myself, wife and one child
Q Are you a Cherokee by blood? A. Yes sir.
Q Give me the name of your father? A. R. F. F. Thompson.
Q Is he living? A. Yes sir.
Q Give me the name of your mother? A. Narcissa.
Q Is she living? A. Yes sir.
Q Give me the names of your children? A. I have one child named Lucy May
Q How old is that child? A. 8 months old.
Q What is the mother of this child named? A. Leon Thompson.
Q Is she dead or alive? A. Alive.
Q Is she a Cherokee or a white woman? A. White woman.
Q Are you married to her? A. Yes sir.
Q Have you a marriage license and certificate? A. No sir.
Q When were you married to her? A. In 1898.
Q Who married you? A. Adai Lacy.
Q A preacher? A. Yes sir.
Q Didnt you get a certificate from him? A. Yes sir.
Q Have you a certificate of this children's birth? A. No sir.

1880 roll, page 397, No 1351, R. F. F. Thompson, Flint Dist.
1880 roll, page 397, No 1352. Narcissa Thompson, "
1896 " 797 " 2138 Glen Thompson Goingsnake Dist.

Q Were you ever married except to this wife? A. No sir.
Q Was she ever married except to you? A. No sir.
Q What was your wifes name before she married you? A. Simon.
Q How old is your wife? A. 21.
Q Has she lived with you ever since your marriage to her? A. Yes.

The applicant applies for the enrollment of himself, wife and one child. He is identified on the 1896 rd as a native Cherokee, he is too young to be on the roll of 1880, but his mother and father are identified on that roll. The applicant has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. He states that he and his wife were married in 1898; he is not able to produce a certificate of marriage at this time but states that he can send one to the Commission. Her marriage to him is too late to entitle her to enrollment at this time, under the provisions of the Cherokee law of December, 16th 1896. She has lived with her husband ever since their marriage and neither of them were ever previously married, but by reason of the law just referred to, the application for her enrollment will be rejected. The applicant states that his child, Lucy May is nine months old, and when he files the Commission with a certificate as to its birth, this child also will be listed for enrollment as a Cherokee by blood, but until the required certificate of marriage of the mother and father of this child is furnished, the child will be placed on doubtful card.

Chas. von Weise, being sworn states that he stenographed the testimony before the Commission to the Five Civilized Tribes in the above and foregoing re-

Glen Thompson Jr.

Goodings in the above cause and that the foregoing is a full, true and correct transcript of the stenographic notes thereon.

(Shawnee

Subscribed and sworn to before me this [illegible] day of December, 1900.

[illegible]

Commissioner.

R 493

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 1900

ACTING CHAIRMAN

Department of Applicant Tribal Roll Clerk.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Leah Thompson, Kansas, I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

R493 "a"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 11 1901

ACTING CHAIRMAN.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } SS
Northern District.

No. 277

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded ~~to Solemnize~~ the Rite and publish the Banns of Matrimony between Mr. Chas Thompson of Westville, in the Indian Territory, aged 19 years, and Miss Leah Sisson of Westville, in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, Indian Territory, this 10th day of June, A. D. 1899

(Seal)

Jas A. Winston
Clerk of U. S. Court.

By H W A Shelton Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } SS.
Northern District.

I, A. L. Lacie, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 11 day of June, A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 11 day of June, A. D. 1899

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B, Page 204.

A. L. Lacie
10¢ I R Stamp A Minister of the Gospel.

NOTE. This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00.)

STRONGHOLD EVENING TIMES PRINT.

CERTIFICATE OF TRUE COPY.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a ~~Marriage~~ License for Marriage filed in my office on the 30 day of Dec, 1899, ~~at o'clock M., and~~

~~Renewal Affidavit filed ..... 190~~

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 31 day of Dec, A. D. 1899

Chas A. Davidson
Clerk and Ex-Officio Recorder.

By M Ford

in Book ....., Marriage Record, Page ..... .

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this ..... day of ..... A. D. 1 .....

..... Clerk.

By ..... Deputy.

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 11 1901
ACTING CHAIRMAN

"C"

D (R1193)

FILED
MAR 4 1902

Acting Clerk

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Leah Thompson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and ninety-three, it is entitled Leah Thompson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Acting Chairman.
Commissioner in Charge,

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. R. 493.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Mrs. Leah Thompson,
Kansas, Indian Territory.

Madam:

On the 13th day of December, 1900,
your husband, Clem Thompson,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 11th day of June, 1899, to one Clem Thompson, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

[redacted]

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Leah Thompson *for enrollment as citizen, of the Cherokee Nation*

Attorney for Cherokee Nation.

Cherokee No. R493.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 31 1902

ACTING CHAIRMAN

L. R. S. J.P.

R.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1903-1902.
D. C. 6030-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Leah Thompson, R 495, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 5 1902
ACTING CHAIRMAN

L. R. S. 9. S.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1880-1902.
R. C. 8081-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended so to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 661 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R M, Charles F. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 5 - 1902

ACTING CHAIRMAN.

Cherokee R-483

Muskogee, Indian Territory, April 17, 1902.

Lock Thompson,

Kansas, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen ofthe Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEBLETT.
C. R. ROBERTSON.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-S-[illegible].

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Lock Thompson, Cherokee No. R 481, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Return to Writer

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

KANSAS
MAY 5
28

REGIS
APR
26
1902
MUSKOGEE, IND. T

6884

Leah Thompson

Kansas

Not Enrolled ... 30 ... Mother

Leah Thompson.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 494

Cher R 494

[illegible] to notification of the [illegible] 'LIST'S [illegible] Dr. A. Alcohol to Nutrition and

0000 Rejected as to wife, Ella; Doubtful as to child Myrtle M.
R 604

Department of the Interior,
Commissions to the Five Civilized Tribes.
Tahlequah, I. T. December, 14, 1900 .

In the matter of the application of Francis A. Ward, for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, he testified as follows-

Q Give me your full name? A. Francis A. Ward.
Q How old are you? A. 38
Q What is your post office? A. Siloam Springs, Arkansas.
Q In what district do you live? A. Goingsnake.
Q Who is it you want to enroll, yourself and family? A. Self and children.
Q You have no wife? A. Yes sir.
Q Do you want to apply for her? A. No sir.
Q Why not? A. I have been married twice, I am divorced from one, I was married in 1897.
Q How long have you been married to this wife ? You are living with now? A. In 1897.
Q Is she the mother of any of your children? A. One.
Q You had better apply so as to have her in the record? A. Well.
Q How many children have you altogether? A. 7.
Q Six of them by a form r wife and one by this wife? A. Yes sir.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your present wife a white woman? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Come here in 1881.
Q Were you admitted by the Cherokee Commission on Citizenship? A. Yes sir.
Q Have you your certificate of admission? A. Yes sir. (produces papers)
Com'r; The applicant presents an official certificate of admission to Cherokee citizenship issued on the 15th of September 1881, showing that on that day he was admitted to citizenship by the Cherokee Commission; the Commission did not have a seal at that time, but this document is identified by the Cherokee representative present as correct and in due form and it is filed herewith.
Q So you have lived here ever since you were admitted in 1881? A. Yes sir..
Q Give me the name of your present wife? A. Ella.
Q When were you married to your present wife? A. 1897.
Q What was your present wifes name before you married her? A. McLain
Q She was a widow? A. Yes sir.
Com'r: The applicant presents license issued by the Clerk of the United States Court for the Northern District of the Indian Terry. August 21, 1897, authorizing marriage between himself and Mrs. Ellen T. McLain,; the certificate shows they were united in marriage on the 16th of September of the same year by the Rev. Lewis H. Stuckey.
Q Your wifes full name then is Ellen T. Ward? A.
Q How old is this wife? A. She is 29, I think,
Q Your present wife was married before you married her? A. Yes sir.
Q How often was she married before you married her? A. Once.
Q Was that husband dead when you married her? A. No sir.
Q Was she divorced from him? A. Yes sir (produces papers)
Q Your wifes maiden name was what? A. McLain.
Q What was the name of the man she was married to? A. Sherman.
Q And when you married her she had resumed her maiden name? A. Yes sir
Q This document you hand me states that at a sitting of the United States Court at Tahlequah, November 1896, your wife , Ella T. Sherman was divorced from George T. Sherman, but it is merely a copy of the decree supplied by your wifes attorney; it isn't an official copy; you are desired to secure an official copy from the records; this is returned to you, and please supply the Commission with a copy of the record by the custodian of the record'
Q How long has this wife lived with you ever since you and she were married in 1897? A. Yes sir.

Q Give me the names now of your children, beginnig with the oldest.
(Hands Com'r list of names)
Marion W. S. , This is the oldest child is it? A. Yes sir.
Q That child is 18 years old, that right? A. Yes sir.
George B., that is the next one, is it? A. Yes sir.
Q He is 14, years old? A. Yes sir.
And then Nettie A. Wood, that is the next one? A yes sir.
Q She is 12 years olf? A. Yes sir.
Q And then Mary Elizabeth, that is the next one, she is nine years old, that right? A. Yes sir.
Q John Riley, seven years old, that right? A. Yes sir.
Q And James Franklin, 5 years old, that right? A. Yes sir.
Q And Myrtle Beatrice, she was born the 17th of October 1898? A. Yes sir.
Q Now Myrtle is the child of your present wife? A Yes sir.
Q The others are children of a former wife? A. Yes sir.
Q Are these children all living now? A. Yes sir they was yesterday morning.
Q What is the name of the mother of your first six children here? A Mariah Angeline.
Q Was she a white woman? A. Yes sir.
Q You were married to her in 1880, were you? A. Yes sir.
Com'r.: The applicant presents an official copy of the record of Wayne Country, Tennissee, showing that he was married to this wife, October,4,1880,her name at that time being Whitten.
Q Is that right? A. Yes sir.
Com'r. This is filed herewith.
Q When were you divorced from this wife? A. In 1897, April.
Q Have you a copy of the decree of divorce? A. No sir.
Q Can you get a copy? A. They told me where I could
Q Were you ever married before you married this wife, Mary? A. No sir
Q Did she lived with you up until the time you were divorced in1897? A. Yes sir all but about three months.
Q What time in 1897? A. April
Q And you were married to your present wife the August following?A. Yes sir.
Q Your Mary ever married before she married you? A. No sir.
Q Was your wife Ellen your present wife, ever married more than once before she married you? A. No sir.
Q Were you ever married before you married your wife Mary? A. No sir
1896 roll, page 806, #2376,Franklin Ward, Geingsnake.
1896 roll, page 850, #217, Mariah Ward, Geningsnake
1896 roll, page 806, #2377, Marion Ward, Geingsnake
1896 roll, page 806,#2378, George Ward, Geingsnake
1896 roll, page 806,#2379,Nettie Ward Geingsnake
1896 roll, page 806, #2380,Mary Ward Geingsnake
1896 roll, page 806,#2381 John Ward Geingsnake
1896 roll, page 806,#2382,James Ward,Geingsnake

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and seven children; six of these children being by a former wife and one by his present wife; he states that he was admitted to citizenship by the Cherokee Commission on Citizenship in 1881, and that he has lived in the Cherokee Nation ever since; he is identified on the roll of 1896 as a native Cherokee ; his certificate of admission is filed herewith and he will now be listed for enrollment as a Cherokee by blood; his present wife, Ellen F. Ward is shown to have married him August 31, 1897; she has lived with him ever since he states that she was once previously married,but divorced from that husband before her present marriage; and that he was once previously married and that he was divorced from that wife before his present marriage; he is desired to supply the Commission with a copy of both of these records of divorce; this wife having married him after the Cherokee law of December 16,1895, prohibiting the acquirment of citizenship by marriage, the application for the enroll-

ment of this wife is rejected; the first six children named in the testimony, are the children of the applicants first wife; they are, according to his testimony, duly identified on the roll of 1896; they are living at this time, they will now be listed for enrollment as Cherokees by blood, the applicant having filed an official copy, of the marriage evidence of his marriage to his first wife, the mother of these children, and he states that she was never married previous to her marriage to him. The youngest child of the seven named in the testimony, is a child of the present marriage; when a certificate of the birth of this child Myrtle B. Ward is filed with the Commission this child will be listed for enrollment on a doubtful card as a Cherokee by blood, to await an official copy of the decree of divorce between the applicant and his first wife, and between the mother of this child, who is the applicant's present wife, and her husband.

M. D. Green being first duly sworn states that as stenographer to to Commission to the Five Civilized Tribes he correctly records the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this December 15, 1900.

C. R. Breckinridge,

Commissioner.

I, the undersigned states upon my oath as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a full, true and correct copy of the original transcript of the testimony in the matter of the application of Francis A. Ward et al for enrollment as Cherokee citizens, said original transcript having been made by M. D. Green as stenographer.

Chasson Webb

Subscribed and sworn to before me this the 21st of January, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 14 1906
ACTING CHAIRMAN

CHEROKEE BY BLOOD AND ADOPTION

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 14 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ella T. Ward Dilsam Springs, Ark

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage 1897

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected

Copy of divorce to be supplied.

"6"

Certificate
From Clerk County
Court

R494

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 14 1900

ACTING CHAIRMAN.

OFFICE OF

S. D. BROMLEY,
COUNTY COURT CLERK.
Wayne County.

Clerks Certificate

Waynesboro, Tenn., 190

The following marriage licence was issued Oct. 4, 1880 for F. G. Ward to M. A. Whitten and was solemnized between the parties on the 6th day of Oct. 1880 by G. H. Whitten J.P. for Wayne County Tennessee.

State of Tennessee
Wayne County

I hereby certify that the above is a true and correct copy as appears of record in my office, witness my hand and seal this the 28 day of November 1900.

S. D. Bromley Clerk County Court Wayne Co Tenn.

R494

"7"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 14 1900

ACTING CHAIRMAN

(1517)

Office
Commission on
Citizenship Tahlequah
C N September 13th 1881

No. 80 — Francis A. Ward v s. Chickasaw Nation } Petition for citizenship on account of Chickasaw blood

The testimony before the Commission proves to their satisfaction that the claimant is a descendant of the noted Welch family who have long been known to be of Chickasaw blood.

The commission on Citizenship therefore decide that the claimant is a Chickasaw — and hereby admit the said Francis A. Ward to all the rights and privileges of Chickasaw citizenship by blood

Roach Young President
William Harnage
G. N. Mayes } asst com

J. B. Mayes
Clerk
Commission

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)ss. No. 110.
Northern District.)

To Any Person Authorized by law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. Frank A. Ward of Pryor Creek in the Indian Territory, aged 37 years, and Mrs. Nilen T. Melain, of Pryor Creek in the Indian Territory, aged 26 years, according to law, and do you officially sign and return this License to the parties thereto named.

WITNESS my hand and official seal at Tahlequah, this 31st day of August A. D. 1897.

James A. Winston,
Clerk of the U. S. Court.

By H. W. C. Shelton, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Lewis H. Stuckey, an Ordained Minister DO HEREBY CERTIFY, that on the 15th day of September A. D. 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties thereto named.

WITNESS MY HAND THIS THE 15th day of September A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Third Judicial Division, (Ardmore, I. T.) Western District, Book A, Pages 7 and 8.

Lewis H. Stuckey
an Ordained Minister
M. E. Church, South.

Certificate of Record.

United States of America,)
Indian Territory,)SS.
Northern District.)

I, James A. Winston, Clerk of the United States court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 25 day of Oct, 1897, at.....M., and duly recorded in Book F, Marriage Record, Page 141.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 28 day of Oct A. D. 1897.

Jas. A. Winston, Clerk.
By.....Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Nila T. Ward, as a Cherokee citizen. R 494.

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)ss. No. 110.
Northern District.)

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. Frank A. Ward of Pryor Creek in the Indian Territory, aged 22 years, and Mrs. Ellen T. McLain, of Pryor Creek in the Indian Territory, aged 26 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, this 31st day of August A. D. 1897.

James A. Winston,
Clerk of the U. S. Court.

By H. W. C. Shelton, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Lewis H. Stuckey, an Ordained Minister DO HEREBY CERTIFY, that on the 16th day of September A. D. 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS MY HAND THIS THE 16TH day of September A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Third Judicial Division, (Ardmore, I. T.) Western District, Book A, Pages 7 and 8.

Lewis H. Stuckey
an Ordained Minister
M. E. Church, South.

Certificate of Record.

United States of America,)
Indian Territory,)SS.
Northern District.)

I, James A. Winston, Clerk of the United States court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 23 day of Oct, 1897, at.....M., and duly recorded in Book F, Marriage Record, Page 141.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 26 day of Oct A. D. 1897.

Jas. A. Winston, Clerk.
By.....Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Ella T. Ward, as a Cherokee citizen. R 494.

Peter Choate

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ella T. Ward, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 494, it is entitled Ella T.Ward, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 494.

(COPY)

(01)

ENROLLMENT CASE No. 0 404.

COMMISSIONERS:

Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Alexander L. Bolenbaugh,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1908.

Mrs. Ella T. Ward,
Silom Springs, Arkansas.

Madam:

On the 14th day of December, 1908, your husband, Francis A. Ward,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 331 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 18th day of September, 1897 190 , to one Francis A. Ward, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted]

Commissioner in Charge.

Enclosure.

Decision.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Ella I Ward *for enrollment as citizen of the Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No. R4494.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

I. R. S. J.P.

R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1204-1902.
D. C. 6051-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ella T. Ward, R 494, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR [illegible] 1902

ACTING CHAIRMAN.

Cherokee D-424.

Muskogee, Indian Territory, April 27, 1908.

Ella T. Ward,

Silom Springs, Arkansas,

Madam:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
ROBERT L. DOBBIN,
TAMS BIXBY,
THOMAS B. GARRETT,
C. R. BARNHILL,
ALLEN J. ELLSWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1908.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Ella T. Ward, Cherokee No. N 494, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Cherokee Nation.

Muskogee, Indian Territory, August [illegible], 1902.

[illegible],

[illegible], Ark.

[illegible] to this Commission for the cancellation of your [illegible], which [illegible], you filed with that application [illegible] your marriage on September 16, 1897, to Mrs. [illegible] E. Lewis.

[illegible] herewith returned to you, a copy having been made and filed in the Commission's files.

Yours truly,

Acting Chairman.

[illegible]

Ella T. Ward.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 2 1902

Cher R #15

R495

"9"

TO THE FIVE
FILED
JAN 11 1901
ACTING CH

rejected as to applicant.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF David L. Bird for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A David L. Bird.
Q What is your age? A Forty six.
Q What is your Postoffice address? A Ramona.
Q What district do you live in? A Coweeseecowee.
Q Are you a recognized citizen of the Cherokee Nation?
A By adoption I suppose.
Q When do you desire to enroll? A My wife and baby.
Q Have you a certificate of marriage? A Yes sir.

Com'r. T. B. Needles: The applicant presents a certificate of marriage, certifying that he was married to one, Sarah J. Whitmire at Tahlequah on the 25th day of August, 1899.

Q How old is your wife? A Thirty six yearsold.
Q What is your child's name? A Charley M. C. Bird, born the second day of December, 1900.
Q Were you your wife's first husband? A Yes sir.
Q Her maiden name was Whitmire? A Yes sir.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q Do you apply for yourself? A I do not know whether I can or not.

Com'r. T. B. Needles: The certificate of marriage presented certifies that the applicant was married according to the laws of the United States, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory.

(1880 Roll, Page 496, #2122, Sarah Whitmire, 8-snake D'st)
(1896 Roll, Page 312, #2547, Sarah J. Whitmire, 8-snake D'st)

Com'r. T. B. Needles: The applicant applies for the enrollment of himself, his wife and one child: He presents proof of marriage to one, Sarah J. Whitmire, a Cherokee citizen by blood, in the year 1899, said marriage having been solemnized according to the United States, and not according to the laws of the Cherokee Nation: The name of his wife is found upon the authenticated roll of 1880, as well as the census roll of 1896, as a Cherokee citizen by blood: He avers that he has one child, Charley M. C. Bird, whose name does not appear upon the census roll of 1896, but he presents satisfactory proof of birth; makes satisfactory proof of residence, and they are duly identified: Consequently the applicant's wife, Nancy J. Bird, and child, Charley M. C. Bird, will be duly listed for enrollment as Cherokee citizens by blood. The evidence showing that David L. Bird was never married according to the laws of the Cherokee Nation, and his marriage occurred in the year 1899, too late for non citizens to acquire any rights to citizenship, he being a white man: Consequently the application of the said David L. Bird for enrollment will be rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. A. Cravens

Subscribed and sworn to before me this 8th day of January, 1901.

COMMISSIONER.

CHEROKEES BY BLOOD AND INTERMARRIAGE

R495

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 14 1900

ACTING CHAIRMAN

Department of Applicant Tribal Enrollment

CHEROKEES BY BLOOD AND ADOPTION.

(46) Date 1900

Name David L Bird Ramona Ind Ter

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License filed DEC 14 1900 Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

Rejected - married too late

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

MARRIAGE LICENSE

United States of America,)
Indian Territory,)ss.
Northern District.)

To Any Person Authorized by law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. David L. Bird, Whitmire, in the Indian Territory, aged 45 years, and Miss Sarah J. Whitmire, of Whitmire, in the Indian Territory, aged 35 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, Indian Territory, this 25 day of August, A. D. 1899.

James A. Winston,
Clerk of the U. S. Court.

Seal.

By H. W. C. Shelton, Deputy.

Certificate of Marriage.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Jno. H. Pitchford, Mayor of the Incorporated Town of Tahlequah, DO HEREBY CERTIFY, that on the 25 day of August A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 25 day of August A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book....., Page .....

Jno. H. Pitchford, Mayor of the Incorporated Town of Tahlequah, I. T.

Certificate of Record.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 day of Dec 1899, at.....M., and duly recorded in Book I, Marriage Record, Page 103.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 30 day of Dec A. D. 1899.

Jas. A. Winston, Clerk.
By..... .....Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

MARRIAGE LICENSE

United States of America,)
Indian Territory,)ss.
Northern District.)

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. David L. Bird, Whitmire, in the Indian Territory, aged 45 years, and Miss Sarah J. Whitmire, of Whitmire, in the Indian Territory, aged 35 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, Indian Territory, this 25 day of August, A. D. 1899.

Seal. James A. Winston,
Clerk of the U. S. Court.

By H. W. C. Shelton, Deputy.

Certificate of Marriage.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Jno. H. Pitchford, Mayor of the Incorporated Town of Tahlequah, DO HEREBY CERTIFY, that on the 25 day of August A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 25 day of August A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book....., Page .....

Jno. H. Pitchford, Mayor of the Incorporated Town of Tahlequah, I. T.

Certificate of Record.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 day of Dec 1899, at.....M., and duly recorded in Book I, Marriage Record, Page 103.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 30 day of Dec A. D. 1899.

Jas. A. Winston, Clerk.
By..... .....Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original, offered in evidence in the matter of the application for the enrollment of David L. Bird as a Cherokee citizen. R 495.

Retta Chick

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902
ACTING CHAIRMAN

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of David L. Bird, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decisions as No. R. 495, it is entitled David L. Bird, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge

Through the Commissioner

of Indian Affairs.

Encl. C-R.495.

1

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. E. 498.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

David L. Bird,

Ramona, Indian Territory.

Sir:

On the 14th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married by authority of a marriage license issued by the Clerk of the United States Court in the Indian Territory for the Northern district, on the 25th day of August, 1899, to Sarah J. Whitmire, a citizen by blood of the Cherokee Nation. It does not appear that you were ever married to your said wife by authority of a marriage license issued by the Cherokee tribal authorities; neither does it appear that you are identified on the Cherokee census roll of 1896 or on any of the tribal rolls of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found

on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in t is case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 660. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced . . ."

Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal . . . ".

Under the foregoing provisions of the Cherokee law as applied to thefacts in this case, it is considered that you have never acquired the rights of an "intermarried whitepersons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles [redacted]

[redacted].

Commissioner in Charge.

Enclosure.
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 in the matter of the application of David L Bird for enrollment as citizen of the Cherokee Nation

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R 495.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 16 1902

ACTING CHAIRMAN.

L.R.S. 19641. R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1902-1902.
D. O. 5720-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of David J. Bird, R 495, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

Acting Secretary.

Enclosure I

of the Acting Commissioner Bureau of Indian Affairs to

Secretary of the Interior, Washington.

Subject: Proposed Indian Reservation.

Sec. 1. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 2. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 3. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 4. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 5. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 6. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 7. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 8. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 9. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 10. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 11. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 12. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 13. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 14. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 15. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 16. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 17. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 18. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 19. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

Sec. 20. That the Secretary of the Interior be and he is hereby authorized and directed to set apart and reserve for the use and occupancy of the Indians of the Tulalip Tribe, Washington, the following described lands, to wit:

Lots 1 and 2 of Section 1, Township 31 North, Range 5 East, Willamette Meridian, Washington, containing 80.00 acres.

FILED
APR 16 1908
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible] S. [illegible] J.P.

[illegible]

[illegible]

I. T. D. [illegible]-1902.
[illegible]-1902.
D. C. [illegible]-1902.

[illegible] 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin S. [illegible] for enrollment as a Cherokee citizen by intermarriage, [illegible] with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1890 in Arkansas, not according to Cherokee law. In your decision you refer to section [illegible] of the act of June [illegible], 1898, (30 Stats., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a licence for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. * * * *.

"Sec. 600. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least one month immediately preceding the signing of such certificate, stating that "A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he is a voter."

"Sec. 601. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1903, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.R.

1 inclosure.

[illegible]

[illegible]

[illegible]

Chrokee 2-[illegible],

Muskogee, Indian Territory, April 15, 1902.

Mr. [illegible] M. Mark,

Tahlequah, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February, 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April 1902.

Very Respectfully,

Acting Chairman.

Registar.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-488.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 18, 1902.

W. V. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of David L. Bird Cherokee No. D-488, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee Roll 6,

Muskogee, Indian Territory, August 10, 1906.

David L. Bird,

Romona, Indian Territory.

Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on August 25, 1899, to Miss Sarah J. Whitmire.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-31.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED. FEB 28 1902 MUSKOGEE

Reg No. 701 168

2130

Unknown

David L. Bird,
Ramona,
Indian Territory.

David L. [illegible]rd.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 2 1902

Chem K 446

R 496-
"a"

DEPARTMENT OF THE INTER
MISSION TO THE FIVE CIVILIZED
FILED
DEC 18 1900

ACTING CHAIRMAN.

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

In the matter of the application of George Edward Gentry for the enrollment of himself, and wife as citizens of the Cherokee Nation; said Gentry being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A George Edward Gentry.
Q How old are you? A 26.
Q What is your post office? A Grove.
Q In what district do you live? A Delaware.
Q Do you want to enroll yourself and family? A No, sir.
Q Just yourself? A No, sir.
Q Who is it you want to enroll? A My wife.
Q You are a white man are you? A Yes, sir.
Q How long have you been marri ed? A '97.
Q Have you got your license and certificate of marriage? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q What is her name? A Louisa, Swats her father was named.
Q How old is your wife? A About 32.
Q Give me the name of her father? A Steen Swats.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A Ester Swats.
Q Is she dead? A No, sir.
Q Has your wife livedin the Cherokee Nation all her life? A Yes, sir.
Q Was your wife ever married before she married you? A No, sir.

Com'r:--The applicant presents a license issued by the Clerk of Delaware district authorizing marriage between himself and Miss Louisa Steen, the date being August 9, 1897. The certificate shows that they were married by the Clerk of the District on the same date. This is filedherewith.

Q Your wife's father being named Steen, they just got her name as Louisa Steen? A Yes, sir.
Q You and she have lived together ever since you were married have you? A Yes, sir.
Q Were you ever married before you married this wife? A Nosir.

1880 Roll; page 312, #2294, Louisa Suwatt, Delaware.
1896 Roll; page 532, #2848, Louisa Suatt, Delaware.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and wife: His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has livedin the Cherokee Nation all her life. Her change of name arises from her marriage, which is established by the license and certificate filed herewith. She will now be listed for enrollment as a Cherokee by blood. The applicant is shown by the license and certificate filedherewith to have marriedhis wife in accordance with Cherokee law August 9, 1897. Neither was previously married. He has livedin the Cherokee Nation with his wife ever since they were married. He married too late under the Cherokee law of December 16,1895 to entitle him to enrollment and the application for his enrollment is Rejected

---oooOOOooo---

J. O. Rosson, being first duly sworn, statew that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of December, 1900.

Commissioner.

R 496

"B"

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 14 1900

ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 14 1900 1900.

Name George E. Gentry Grove, I. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

Rejected

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

[illegible] TO [illegible] CIVIL [illegible]

[illegible], [illegible] January, February 8, 1904.

In the matter of the application of George E. Corte to be enrolled as a citizen by intermarriage of the Choctaw Nation.

Upon an examination of the testimony had in the matter of the foregoing application it does not plainly appear that George E. Corte made application for the enrollment of himself. Further the court, at the examination the examining official talk place in the case of the male [illegible], and in the field duplicate he was listed for relation by field official for the reason that he was married subsequently to the Choctaw law of December 16, 1896. Although it is not clear from the testimony in this case that application was made for the enrollment of said George E. Corte, it is nevertheless deemed best under the circumstances to base upon his case the view of the Commissioner [illegible] the equitable power and duty of the Commission to have such the right of the possible alternate to enrollment.

It is, therefore, directed that his name be reported to the Secretary for rejection as having married subsequent to the Choctaw law of December 16, 1896.

It is directed that [illegible] this statement be filed with the testimony in the above case.

Commissioner.

R 126

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, February 4,1902.

In the matter of the application of George N. Gentry to be enrolled as a citizen by intermarriage of the Cherokee Nation.

Upon an examination of the testimony had in the matter of the foregoing application it does not clearly appear that George N. Gentry made application for the enrollment of himself. During the course of the examination the examining official fully developed the case of the said George N. Gentry, and in the field decision he was listed for rejection by said official for the reason that he was married subsequently to the Cherokee law of December 16,1895. Although it is not clear from the testimony in this case that application was made for the enrollment of said George N. Gentry, it is nevertheless deemed best and proper to pass upon his case in view of the circumstances and under the general power and duty of the Commission to pass upon the right of all possible claimants to enrollment.

It is, therefore, directed that his name be reported to the Commission for rejection as having married subsequent to the Cherokee law of December 16, 1895.

It is directed that copies of this statement be filed with the testimony in the above case.

C. R. Breckinridge.

Commissioner.

D R 496

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
ACTING COMMISSIONER

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George E. Gentry, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 496, it is entitled George E. Gentry, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 496.

(Copy)

(81)

CHEROKEE CASE No. 8...[illegible]...

Commissioners:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Allison L. Aylesworth,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

[redacted],

Grove, Indian Territory.

Sir:

On the 14th day of December, 1901, you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 9th day of August, 1897, I o, to one Louisa Steen, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory FEB 14 1902

Inclosed by the Commission to the Five Civilized Tribes, one copy of the Commission's letter of [illegible] FEB 14 1902 in the matter of the application of George E Gentry [illegible] Cherokee Nation

[illegible]
Attorney, Cherokee Nation

Cherokee No. R 1496.

FILED
APR 24 1906
COMMISSIONER OF THE FIVE CENTS
DEPARTMENT OF JUSTICE

L. R. S. J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 2137-1902. April 3, 1902.
D. C. 6032-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of George E. Gentry, R 496, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

FILED
MAR 4 1962

L. R. S. [illegible] S.F.

[illegible]

[illegible]

L. T. R. [illegible] [illegible] 8, 1902.
R. C. [illegible]

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Lila Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 24, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Patterson et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN

Cherokee-466

Muskogee, Indian Territory, April [illegible] 1902.

George H. Gentry,

Grove, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-496.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George E. Gentry, Cherokee No. R 496, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

Cher R 447

Cher R 447

R497

"A"

ON TO THE FIVE C

FILED
JAN 11, 1901

ACTING CHAIRMAN

Applicant's wife rejected.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 16th, 1902.

IN THE MATTER OF THE APPLICATION OF William H. Stephens Senior for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A William H. Stephens Sr.
Q How old are you? A Twenty three.
Q What is your Postoffice? A Park Hill.
Q In what district do you live? A Tahlequah District.
Q Who is it you want to have enrolled; just yourself?
A Me and my family?
Q Have you a wife? A Yes sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A William, H. Stephens.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Almira Stephens.
Q Is she dead? A No sir.
Q Give me the name of your wife? A Maggie.
Q How old is your wife? A Twenty one.
Q When did you marry her? A In '97.
Q What was her name when you married her? A Maggie Burnes.
Q Have you a certificate of your marriage? A Yes sir.

Com'r. C. R. Breckinridge: The applicant presents a License, issued by the Clerk of the United States Court, Northern District, Indian Territory, dated May 25th, 1897, authorizing marriage between himself and his wife. The certificate shows that they were married the day following, in accordance with the license, by the Reverend W. A. Duncan. This is filed herewith.
Q Since the your wife lived with you ever since you and she were married? A Yes sir.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the names of your children? A Margaret S.
Q Two years old last March, was she not? A Yes sir.
Q The other one is named John H., born the first of last May?
A Yes sir.

(1880 Roll, Page 321, #1324, Henry Stephens, Flint D'st)
(1896 Roll, Page 1236, #6606, Henry Stephens, Tahlequah D'st)

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and two children. He is identified on the roll of 1880 and 1896, as a native Cherokee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

His wife is a white woman. She is shown to have married him in May, 1897. The License and certificate are filed herewith. She has lived with him ever since their marriage. Neither was previously married, but her marriage is too late under the Cherokee law of 1890 (December 16th, 1890), to entitle her to enrollment at this time. Therefore, the application for her enrollment is rejected.

When proper certificates of birth of the two children, Margaret S. and John H. are filed with the Commission, these children will be listed for enrollment as Cherokees by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the

[illegible]

-vs-

[illegible] proceeding in this case, and that the foregoing is a true and complete transcript of the evidence taken herein.

[illegible]

Subscribed and sworn to before me this 9th day of January, 1908.

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 1[illegible]
CHAIRMAN

X 447

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 15 1900 1900.

Received

Year Page No.

Mother's citizenship

Date of marriage

Certificate

Maggie Stephens Park Hill, I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

Names of children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

C R1194

Commission to be filed in duplicate

FILED
MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Maggie E. Stephens, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 497, it is entitled Maggie E. Stephens, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 497.

1 aas

(COPY)

(61)

CHEROKEE CASE No. 8. 497.

COMMISSIONERS:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Alexander L. Ayleswortth,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1908.

Mrs. Magrie E. Stephens,

Park Hill, Indian Territory.

Madam:

On the 16th day of December, 1900,

your husband, William H. Stephens, Jr.,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 20th day of May, 1897, 190 , to one William H. Stephens, your said husband a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) T[redacted]

A[redacted].

Commissioner in Charge.

Inclosure.

Register.

APR 1 1962

L.R.S.

F. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 2128-1902.
D. C. 6055-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Maggie E. Stephens, R 497, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 18, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING CHAIRMAN

Cherokee R-497

Muskogee, Indian Territory, April 27, 1908.

Maggie E. Stephens,

Park Hill, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Registor.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of interpretation of its decision rendered FEB 14 1902 in the matter of the application of Maggie E Stephens for enrollment as citizen of the Cherokee Nation

Attorney for Cherokee Nation

Cherokee No R 1497.

COMMISSIONERS
ROBERT L. OWEN,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. ROBERTSON.

ALBERT L. ROBERTSON,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[illegible]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 27, 1908.

F. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Maggie E. Chapman, Cherokee No. E 497, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Maggie E. Stephens.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 2 1902

Cher R 498

Cher R 498

R498

"9"

DEPARTMENT OF THE INTERIOR
DECISION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 11 1901

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 18th, 1902.

IN THE MATTER OF THE APPLICATION OF Nila May Brown for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Nila May Brown.
Q How old are you? A Twenty yearsold.
Q What is your Post Office? A Spaviness, I. T.
Q In what district do you live? A Saline District.
Q Who is it you want to have enrolled; yourself and family?
A Yes sir.
Q Have you a husband? A Yes sir.
Q How many children have you? A Three.
Q Are you a Cherokee by blood? A Yes sir.
Q Do you claim to be a full blood? A No sir, not quite full blood.
Q Is your husband a Cherokee by blood? A No sir.
Q What is he; a white man? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir. Born and raised here.
Q Give me the name of your father? A Cap Hicks.
Q Is he dead? A He is living.
Q Give me the name of your mother? A Sarah Hicks.
Q Is she dead? A Yes sir.
Q Now give me the name of your husband? A Samuel W. Brown.
Q How old is he? A Twenty nine years old.
Q Have you his marriage license and certificate? A Yes sir.
Q When did he marry you? A In 1896.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A No sir.
Q Has he lived with you ever since he married you? A Yes sir.
Q What time in 1896 was he married to you? A May third.
Q Give me the names of your children? A Ida Agnese Brown.
Q How old is that child? A She will be four yearsold in January.
Q Give me the name of the next child? A Lelia Flora Brown.
Q How old is that child? A She will be two years old May first.
Q The next child? A Ruth Allen.
Q How old is that child? A A little over two months old.

Com'r. C. R. Breckinridge: The applicant presents a license, issued by the Clerk of Saline District, April 25th, 1896, authorizing marriage between herself and her husband. The certificate shows that they were united in marriage on the 3rd day of May of the same year by the Reverend A. B. Begleck This is filed herewith.

(1880 Roll, Page 637, #820, N. F. Hicks, Saline District)
Q What is your father's name? A Millard Fillmore Hicks.

(1880 Roll, Page 637, #821, Sarah Hicks, Saline District)
(1896 Roll, Page 1142, #540, Nila Brown, Tahlequah District)
(1896 Roll, Page 1276, #29, Sam Brown, Tahlequah District)

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of herself, her husband and three children: She is identified on the roll of 1896 as a native Cherokee: She is too young to be on the roll of 1880, but her father and mother are both identified on that roll: She has lived in the Cherokee Nation all her life: Her change of name is established by the license and certificate filed herewith. She will now be listed for enrollment as a Cherokee by blood.

Her husband is shown to have married her in accordance with Cherokee law on May 3rd, 1896: He is a white man: Neither he nor she were previously married: He appears in person in the course of the examination. He is identified with his wife on the roll of 1896: They have lived together ever since their marriage, but his marriage is too late under the Cherokee law of December 18th, 1895 to entitle

[illegible] MAY DOWN TO AL.

-8-

[illegible] to enrollment and [illegible] [illegible], the application for his enrollment is rejected.

[illegible] of [illegible] filed at the [illegible] [illegible] [illegible] also will be filed of his enrollment as Cherokee by blood.

The undersigned, being sworn, states that no stenographer is in the Commission to-day when testimony was correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of said testimony his notes thereof.

R A Ennis

Subscribed and sworn to before me this 7th day of January 1906.

Thurman

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 15 1900

ACTING CHAIRMAN

814

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 15 1900 1900.

Name Samuel W. Brown Okmulgee, I.T.

District Tal Year 1896 Page 1796 No. 29

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

On 1896 roll as Sam Brown

Cherokee Nation, I. T.,)
Saline District.)

To Any Person Legally Authorized to Solemnize Marriage--Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Samuel Brown, a citizen of the United States and Miss Allen Hicks, a citizen of the Cherokee Nation, according to the usual customs and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 25th day of April A. D., 1896

J. M. Rose,
SEAL. Clerk Saline District.

Cherokee Nation, I. T.,)
District.)

I, A. R. Hogie a Minister hereby certify that on the 3 day of May A. D., 1896 I joined in Marriage, Mr. Samuel Brown a citizen of the United States, and Miss Allen Hicks, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 3 day of May A. D., 1896

A. R. Hogie.

Recorded this the 27th Day of June A. D. 1896.

J. M. Rose.
Clerk Saline Dist. C. N.

Marriage License:

Cherokee Nation, I. T.,)
Saline District.)

To Any Person Legally Authorized to Solemnize Marriage--Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Samuel Brown, a citizen of the United States and Miss Ellen Hicks, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 25th day of April A. D., 1896

J. M. Ross,
SEAL. Clerk Saline District.

Cherokee Nation, I. T.,)
District.)

I, A. R. Bogle a Minister hereby certify that on the 3 day of May A. D., 1896 I joined in Marriage, Mr. Samuel Brown a citizen of the United States, and Miss Ellen Hicks, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 3 day of May A. D., 1896
A. R. Bogle.

Recorded this the 27th Day of June A. D. 1896.
J. M. Ross
Clerk Saline Dist. C. N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenogrpaher to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is atrue and complete copy of the original, offered in evidence in the matter of the application for the enrollment of Samuel W. Brown as a Cherokee citizen. R 498.

Retta Shick

LD 02498

[illegible]
COMMISSION TO THE FIVE CIVILIZED [illegible]

FILED
MAR 4 1902

ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Samuel W. Brown, refused by the Commission under the provisions of the Act of June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and ninety-eight, it is entitled Samuel W. Brown, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

(41)

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

CHEROKEE CASE No. R. 498.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902

Samuel W. Brown,

Spavinaw, Indian Territory.

Sir:

On the 15th day of December, 1900, your wife, Ella May Brown,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 3d day of May, 1896, 190..., to one Ella May Hicks, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902.

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *in the matter of the application of* Samuel V. Brown *for enrollment as* a *citizen* of *the Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 498.

MISSION TO THE FIVE CIVILIZED TRIBES,
FILED
APR 24 1902
ACTING CHAIRMAN

L.R.S.

J.P.

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2139-1902.
D. C. 6054-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Samuel W. Brown, R 498, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty,

Respectfully,

Thos. Ryan,
Acting Secretary.
.D.L.

[illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED
APR 24 1902

[illegible] ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING COMMISSIONER

Cherokee R-488

Muskogee, Indian Territory, April 27, 1908.

Samuel W. Brown,

Spavinaw, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April , 1908.

Very respectfully,

[illegible]ioner in Charge.

Register.

COMMISSIONERS
MERRIT L. DAWES,
TAMS BIXBY
THOMAS B. NEEDHAM
C. R. BREARINGTON

ALFRED L. ATLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-[illegible].

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Samuel V. Brown, Cherokee No. R [illegible], for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R.408.

Muskogee, Indian Territory, August 16,1906.

Ellen May Brown,

Spavinaw, Indian Territory.

Madam:

When you applied to this Commission for the enrollment of your husband, Samuel W. Brown, as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage, under the name of Ellen Hicks, to Samuel Brown, on April 25, 1896.

The same is herewith returned to you, a copy having been made and retained in the Commission files.

Yours truly,

Acting Chairman.

Enclosure.
D-25.

Samuel W. Brown

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 499

Cher R 499

R499

Rejected as to applicant.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF John S. Stallcup for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A John S. Stallcup.
Q What is your age? A Twenty nine.
Q What is your Postoffice? A Siloa.
Q What district do you live in? A Saline.
Q Are you a citizen of the Cherokee Nation? A By adoption.
Q Whom do you want to apply for? A My wife and children.
Q Have you any certificate of marriage? A I forget to fetch it: The man that married me is here in town.
Q Did you have a license? A Yes sir; they are at home.
Q What is your wife's name? A Sarah or Sallie K. Stallcup.
Q What was her name before you married her? A Kidd/
Q How old is she? A Twenty four.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q When did you marry her? A '91.
Q According to the laws of the Cherokee Nation? A No sir.
Q Married according to the laws of the United States? A Yes sir.
Q Do you apply for your self? A Yes sir.
Q What are the names of your children? A Florence.
Q How old? A Eight.
Q The name of the next child? A Mary A.
Q How old is Mary? A I reckon she's about seven: I do not hardly know.
Q What is the name od the next child? A Dicy D.
Q How old is she? A She should be four years old.
Q What is the name of the next one? A Cullice.
Q How old? A Nine months old.
Q Are these children all living at this time with you? A Yes sir.
Q You are a white man; non citizen? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Was not your wife a readmitted citizen? A Yes sir.
Q Have you the certificate of her admission? A No sir.

Com'r. T. B. Needles:
Q Are you on the roll of 1896? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Why? A They would not take me.
Q When were you married first? A In 1891.
Q Here at Tahlequah? A Yes sir.
Q How old is your wife? A She is twenty four now.
Q What was your wife's father's name? A Kidd, Jim Kidd.
Q What is your wife's mother's name? A Allie or Aurilla Kidd/
Q Why would they not enroll you in 1896? A I do not know.

Com'r. T. B. Needles:
Q Did your wife draw Strip money in 1894? A Yes sir.

Mr. W. W. Hastings, C. R.
Q When was your wife admitted to citizenship? A In '94.
Q And you were married in 1891? A Yes sir.

Com'r. T. B. Needles:
Q What district did you draw Strip money in in 1894? A In Delaware.

(1894 Roll, Page 476, #2883, Sally Stellcup, Delaware D'st)
(1894 Roll, Page 476, #2884, Francis Stellcup, Delaware D'st)

Com'r. T. B. Needles: The applicant presents a certificate of admission, issued from the office of the Commission on Citizenship, signed by William P. Ross, Chairman, attested by R. S. Williams, clerk of the Commission., F. E. Carter, Commissioner, certified to by William H. Gulliger, [illegible] Assistant Executive Secretary, certifying that one, Elrilda Kidd was readmitted to citizenship on the 29th day of Sept mber, 1896; said certificate bearing the seal of the Cherokee nation, and filed in the case of Elrilda Kidd et al., #3873.

Q When were you married? A [illegible].
Q What was your wife's mother's name? A Elrilda Kidd.
Q Is she the identical person mentioned in this certificate of admission I have just read? A Yes sir.
Q You were not married according to the laws of the Cherokee Nation?
A No sir.
Q Are these children all living and living with you at this time?
A Yes sir.

By Mr. W. W. Hastings, Cherokee Represenative:
Q Where were you married? A Right here in town: Judge Paschal married us.
Q Why was not your wife enrolled in 1896? A I went to them, and they sent me to this Committee over here, and they would not hear me.
Q Do you know in what year your wife was born? A No sir.
Q Was your wife ever married before? A No sir.

Com'r. T. B. Needles:
Elrilda King, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Elrilda Kidd.
Q Is Sarah K. Stallcup your daughter? A Yes sir.
Q When was she born; in what year? A I do not know: She's twenty four years of age.
Q Was she a minor when you were admitted? A Yes sir.
Q Did she remove to the Cherokee Nation with you when you came?
A Yes sir.
Q Been living here ever since? A Yes sir.
Q You were admitted in 1889, were you? A Yes sir.

Cherokee Represenative, W. W. Hastings:
Q Was she ever married before? A No sir.
Q Were they married after you came here? A Yes sir.
Q And after you were admitted? A Yes sir.

Com'r. T. B. Needles: The name of Sarah K. Stallcup is found upon the pay roll of 1894, as Sally Stollcup: She refers to a certificate of admission, more particularly described in the testimony, it being filed in the case of her mother, Elrilda Kidd. Her husband John S. Stallcup allies for enrollment. Avers that he was married to the said Sarah K. Kidd in the year 1891, but presents no proof of marriage. The name of his child, Francis, whom he avers is by said marriage, appears upon the pay roll o f 1894, and he presents satisfactory proof of birth as to two children, Mary A. and Diey D., whose names do not appear upon the said roll. He avers that he has one other child, Ella Gullice, nine months of age, but presents no proof of its birth. The applicant avers that he was married according to the laws of the United States in the year 1891 to the said Sarah K. S. Stallcup, whose name at that time was Sarah or Sally Kidd. The proof showing that the said John S. Stallcup was never married accordi ng to the lawsof the Cherokee Nation, his application for the enrollment of himself as a citizen by intermarriage is

JAN 12 1901
DEPARTMENT OF THE INTERIOR

Rejected.

Final judgment as to the enrollment of his wife, Sarah S. Stallcup, and children as enumerated herein, will be suspended, and that named will be placed on a doubtful card, awaiting proof of marriage of the said John S. Stallcup and his said wife, Sarah, and proof of birth of the youngest child, Callice Stallcup, and also as to the question of her citizenship, Sarah Stallcup's, she not being admitted at the same time with her mother.

Exm

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A R Crawford

Subscribed and sworn to before me this 10th day of January, 1901.

C Wheeler

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 17 1900

ACTING CHAIRMAN.

Testimony of witnesses taken under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 17 1900 1900.

Name John S Stancup Salina Ind: Ty

Year Page No.

Citizen by blood none Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Wife's name

District REJECTED No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Not married according to Cherokee Law

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Certificate of marriage to be supplied

R499

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 24 1902

ACTING CHAIRMAN

(COPY)

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 499.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

John S. Stallcup,

Salina, Indian Territory.

Sir:-

On the 17th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man. You testify that in 1891 you were married to Sarah, or Sallie, K. Kidd, alleged to be a citizen by blood of the Cherokee Nation. You testify that your said marriage was not by authority of a marriage license issued by the Cherokee tribal authorities, and it does not appear that at any time thereafter you were married to your said wife by authority of such license. You are not identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have

been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "laws of the Cherokee Nation" (1892), and are as follows:

"Section 659. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . ."

Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal . . . ."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you have never acquired the rights of an "intermarried white person entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

~~Very respectfully~~

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.

By (Signed) [redacted]

Register.

A[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 1 1 1902

[illegible] Commission to the Five Civilized Tribes, one copy of the Commission's letter of [illegible] FEB 1 1 1902 in the matter of the application

John T. Stallcup for enrollment as a citizen of the [illegible] Nation

[illegible]
Attorney for Cherokee Nation

[illegible] P. 499.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 16 1902

L.R.S. 18541. R.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1966-1902.
D. C. 8781-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of John S. Stallcup, R 499, transmitted by your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos Ryan,
Acting Secretary.
E.M.D.

JAPANESE PEACE TREATY
COMMISSION

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1838-1902.
1839-1902.
D. C. 8760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R S, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats.,495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. * * * ".

"Sec. 630. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Sec. 603. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1903, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

1 inclosure.

Enclosure.

Voting Questions.

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
APR 16 1902

Secretary.

On the 8th day of April, 1902, in the Creek Nation and Seminole Nation, the Dawes Commission, in the presence of the Secretary of the Interior, and the Principal Chief of the Creek Nation, and the Principal Chief of the Seminole Nation, the following question was submitted to the citizens of the Creek Nation and the Seminole Nation, respectively, for a vote:

"Shall the Dawes Commission's decision of Novem-

Cherokee 2-693.

Muskogee, Indian Territory, April 15, 1902.

Mr. John S. Chalkley,

Sulphur, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-488.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1902.

W. W. Hastings, Esq.,
Atty. for the Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John S. Shillong, Cherokee No. R-488, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

John S. Stallcup.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 2 1902

Cher R 500

Cher R 500

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED
FILED
JAN 11 1901

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 17th, 1900.

In the matter of the application of Simeon M. Crocker for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Crocker being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Simeon M. Crocker.
Q How old are you? A 49 years of age.
Q What is your post office address? A Still.
Q What district do you live in? A Flint.
Q Are you a Cherokee citizen by blood? A Adoption.
Q Who do you want to enroll? A Myself, wife and children.
Q What is the name of your wife? A Martha Lowella.
Q Have you any marriage license? A Yes, sir.

Com'r:--Applicant presents a duly authenticated marriage license and certificate certifying that he was married to one Martha E. White on the 1st day of March, 1896.

Q What is the name of your children? A John Harrison.
Q How old is he? A He is four years old.
Q The name of thenext child? A Lois Bessie.
Q How old is she? A She is two years old.
Q The next one? A The next one is Blanchey G.
Q Have you any certificate of birth there? A Yes, sir.

Applicant: She(meaning his wife) is not on the roll of 1880, she was admitted in 1887.

Com'r:--Applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on citizenship, on the 22 day of September, 1888, signed by J. T. Adair, Chairman of the Commission and approved and endorsed by J. B. Mayes, Principal Chief, under the seal of the Cherokee Nation; certifying that among others that Martha L. White was duly admitted to Cherokee citizenship on the 3d day of September, 1887.

Q How long has your wife lived in the Cherokee Nation? A I do not know, she has lived here quite a while, I could not tell.
Q Has she lived here ever since she was admitted? A I can't say. I married her right here at Tahlequah. I made her acquaintance in 1890 I believe it was.
Q She was admitted in 1887; you knew that she was here in 1890?
A Yes, sir, she was here quite a whil before that.
Q What is her father's name? A Her mother is Mary.

1896 Roll; page 1277, #335, Simeon M. Crocker, Tahlequah.
1896 Roll; page 1144, #373, Martha L. Croker, Tahlequah.
1896 Roll; page 1144, #374, John H. Croker, Tahlequah.

Q Is Martha E. White your first wife? A No, sir, I had a wife before that.
Q Did you have a divorce from that wife? A She is dead.
Q That is your first wife? A Yes, sir.
Q Are these children all alive and living at this time? A Yes, sir.
Q Your wife's mother in her testimony when she applied for enrollment swore that she came from Georgia and staid here a very short time and then moved back to Georgia and never returned until 1894? A I do not know anything about that they had sworn.
Q So you do not know when your wife took up her permanent residence in the Cherokee Nation? A No,sir, I can't tell, I know they were here when I first got acquainted with them. That was '89 or '90.
Q Now, did your wife return here with her mother and family, or was she here before that? A I do not know.

Simeon M. Crocker--2.

Gen'r Needles:--The name of Simeon M. Crocker appears upon the census roll of 1896, and he presents satisfactory proof of marriage to one Martha E. White, a Cherokee citizen by blood, in the year 1896. He also presents satisfactory proof of the admission to Cherokee citizenship, more particularly described in the testimony, as to his wife, she having been admitted in the year 1897, and her name is found upon the census roll of 1896. The name of his eldest child, John H., is found upon the census roll of 1896, and he makes satisfactory proof of birth as to the younger children, Lois E. and Elmecho G., whose names do not appear upon the census roll of 1896. They are fully identified according to the page and number of the roll, but the said applicant has no information as to the time when his wife actually made her residence in the Cherokee Nation. The testimony shows that the said Simeon M. Crocker was married to his wife in the year 1896, too late under the laws of the Cherokee Nation for intermarriage citizens to acquire any rights and his application for his own enrollment will be REJECTED. Because of the indefinite testimony as to the residence of the said Martha E. Crocker nee Martha E. White and because of the testimony of hermother in the case of her own enrollment, on D card #68, final judgment as to the enrollment of the said Martha E. Crocker nee White and her children as enumerated herein, will be suspended and their names will be placed upon a doubtful card, and reference is hereby made to the testimony taken in the application of Mary White the mother of Martha E. Crocker, D #68.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

TO THE FIVE
ES.
FILED
DEC 17 1900

Commission of Appraisement Tahlequah, I.T.

CHEROKEES BY BLOOD AND ADOPTION.

(59) Name: Simon M. Crocker — Date: DEC 17 1900 — Stilwell Ind Ty, 1900.

District: TAHLEQUAH — Year: 1894 Page: 1277 No. 35

Citizen by blood: No — Mother's citizenship:

Intermarried citizen: No

Married under what law: — Date of marriage: March 1st 1896

Licensed: — Certificate:

Wife's name:

Rejected

District: — Year: — Page: — No.:

Citizen by blood: — Mother's citizenship:

Intermarried citizen:

Married under what law: — Date of marriage:

Licensed: — Certificate:

Names of Children:

Married too late

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Cherokee Nation, Tahlequah District.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. S. M. Crocker, a citizen of the United States, and Miss Martha E. White, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the 28th day of February 1896

L. W. Triplet

SEAL. Clerk Tahlequah District.

Kiltz, C. N.

I do hereby certify that I have joined in the Holy Bonds of Matrimony and celebrated the rites and ceremonies of Marriage between Mr. S. M. Crocker and Miss Martha E. White on this the first day of March A D 1896

L. S. Saunders D D
of the Missionary Baptist Church
of Christ

I hereby certify that the above certificate of marriage has this day been duly recorded on page 29 Record of Marriages in office of Clerk of Tahlequah District C. N.
This March 2nd 1896.

Arch Scales.

MARRIAGE LICENSE.

Cherokee Nation, Tahlequah District.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. S. M. Crocker, a citizen of the United States, and Miss Martha E. White, a citizen of the Cherokee Nation, and you are required to return this license to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the 28th day of February 1896.

SEAL.

L. W. Triplet
Clerk Tahlequah District.

Flint, C. N:

I do hereby certify that I have joined in the Holy Bonds of Mentrimony and celebrated the rites and ceremonies of Marriage between Mr. S. M. Crocker and Miss Martha E. White on this the first day of March A D 1896

L. S. Saunders D D
of the Mishionary Baptist Church
of Christ

I hereby certify that the above certificate of marriage has this day been by me recorded on page 29 Record of Marriages in office of Clerk of Tahlequah District C. N.

This March 2nd 1896.

Arch Spears,
Deputy Clerk Tah. Dist. C. N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original, offered in evidence in the matter of the application for the enrollment of Simeon M. Crocker as a Cherokee citizen. R 500.

Retta Chick

DEPARTMENT OF THE ...
COMMISSION TO THE ...
FILED

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Simeon M. Crocker, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 500, it is entitled Simeon M. Crocker, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 500.

, aap

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(Copy)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 860.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Simeon M. Crocker,

Stilwell, Indian Territory.

Sir:-

On the 17th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage,no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (sc) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting here.with, are hereby repealed."

It appears from the testimony in this case that you were married on the 1st day of March, 1896, to Martha E. White, alleged to be a citizen by blood of the Cherokee Nation. You are identified on the Cherokee census roll of 1896, but your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

By (Signed) [redacted]

[redacted] Chairman.

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* ~~Simeon M. Crocker~~ *for enrollment as* a *citizen of the Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 500.

L. R. S.

F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2130-1902.
D. C. 6280-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Simeon M. Crocker, R 500, for enrollment as an intermarried citizen of said nation, is hereby rjected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' ~~letter of March 21, 1902~~, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-500.

Muskogee, Indian Territory, April 17, 1902.

Mr. Simeon M. Crocker,

Stilwell, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April, 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Simeon M. Grecher, Cherokee No. R 300, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-300.

Muskogee, Indian Territory, August 18,1902.

Simeon M. Crocker,

Stilwell, Indian Territory.

Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on February 28, 1896, to Miss Martha E. White.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-32.

Simeon M. Crocker.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 501

Cher R 501

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 18th, 1900.

In the matter of the application of Ellis W. Buffington for the enrollment of himself, wife and one child as Cherokee citizens, He being sworn before Commissioner Breckinridge, testified as follows:

Q What is your name? A Ellis W. Buffington.
Q How old are you? A 31.
Q What is your postoffice? A Tahlequah.
Q Do you live in Tahlequah District? A Yes, sir.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Only one.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir.
Q Have you lived in the Cherokee Nation all your life? A I lived in Texas 13 years from the time I was a year old.
Q You have lived here about 38 years then? A Yes, sir.
Q Give me the name of your father? A Ellis.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Elizabeth.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Alice.
Q How old is she? A 29.
Q When did you marry her? A In 1897.
Q Have you a certificate of marriage? A Yes, sir.
Q Let me have it.———(Witness hands it to Commissioner)
Q Was your wife's maiden name Hanks? A Yes, sir.

The applicant presents a certificate showing that he was married to his present wife on July 30th, 1897, by the Rev. Joseph Kimbrid, this is filed herewith.

Q Has your wife lived with you ever since your marriage to her? A Yes, sir.
Q How often were you married before you married this wife? A Once.
Q Was your first wife dead when you married this one? A Yes, sir.
Q Your present wife was never married before she married you? A No, sir.
Q Give me the name of your child? A Inola.
Q How old is this child? A Two and a half months old.

1880 roll, page 350, No. 961, Ellis Buffington, Flint District.
1896 " 650, " 311, Ellis Buffington, "

The applicant applies for the enrollment of himself, wife and one child. He is identified on the rolls of 1880 and 1896 as a native Cherokee, he has lived in the Cherokee Nation for the past 38 years and he will be duly listed for enrollment as a Cherokee by blood. He is shown to have married his wife in July, 1897, the certificate is filed herewith. He was once previously married but his former wife was dead before he contracted his present marriage. His present wife was never previously married, she has lived with him ever since their marriage, but her marriage to the applicant is too late under the Cherokee law of December 16th, 1895, to entitle her to enrollment at this time and the application for her own enrollment is rejected. When a proper certificate of birth of the child Inola is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the pro-

proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) Chas. [illegible]

Subscribed and sworn to before me this the 16th day of December, 1909.

(Signed) T. R. [illegible]

Commissioner.

Arthur G. Grevinger, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Grevinger

Subscribed and sworn to before me this 15th day of December, 1909.

[illegible]

Notary Public

Commissioner.

R 201

"B"

CHEROKEE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 18 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Alice Buffington Tahlequah I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

CV801

TO THE FIVE CIRCUIT

FILED

MAR 4 1982

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Alice Buffington, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and one, it is entitled Alice Buffington, and is known as a Cherokee rejected application.

Respectfully,

SIGNED: T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

[illegible] CASE No. 801.

[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Alice Buffington,

Tahlequah, Indian Territory.

Madam:

On the 16th day of December, 1902,

your husband, Ellis F. Buffington,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 660, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 30th day of July, 1897 ...., 190 , to one Allie V. Buffington, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, • • • ."

In view of the law and testimony in this case the application for the enrollment of ..... yourself .....as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you , as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

Inclosure.

Register.

1 1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *in the matter of the application of* Alice Buffington *for enrollment as citizen of the Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No. R501

FILMED
APR 24 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2131-1902.
D. C. 6261-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Alice Buffington, R 501, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible] OF THE
[illegible] TO THE FIVE CIVILIZED TRIBES,
FILED
APR [illegible] 1902

[illegible] ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING SECRETARY

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-501.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Alice Burrington, Cherokee No. R 501, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Alice Buffington.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 502

Cher R 502

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 20th 1898.

In the matter of the application of William H. Tailey for the enrollment of himself, wife and child as Cherokee citizens. He being duly sworn before Commissioner Breckinridge, testified as follows-

Q What is your name? A. William H. Tailey.
Q How old are you? A. 26.
Q What is your post office? A. Redwin.
Q What district do you live in? A. Tahlequah.
Q Who is it that you want to have enrolled? A. Myself, wife and child
Q Are you a Cherokee by Blood? A. No sir.
Q White man? A. Yes sir.
Q Is your wife a Cherokee by blood? A. Yes sir.
Q Let me see your marriage license and certificate.

The applicant presents a license issued by the Clerk of Tahlequah district, and a certificate in accordance therewith, showing that on the 22d day of August, 1897 he was married to Miss Eliza Tayler, the ceremony being performed by the Rev. Nicholas Bitting. This is filed herewith.

Q Were you ever married except to this wife? A. No sir.
Q Was she ever married except to you? A. No sir.
Q Have you lived in the Cherokee Nation ever since you were married?
A. Yes sir.
Q How old is your wife? A. 24.
Q Has she lived in the Cherokee Nation all her life? A. Yes sir.
Q Give me the name of her father? A. Will Tayler.
Q Is he dead? A. Yes sir.
Q Give me the name of her mother? A. Kate.
Q Is she dead? A. No sir.
Q Give me the name of your child? A. Johnnie.
Q Have you a certificate of birth made out for him? A. Yes sir.
Q Let me see it. (Applicant presents certificate)
Q It is two years old on the 6th of last June according to this? A.
Yes sir.
Q Why is your wife not on the roll of 1896? A. I dont know .

1880 roll, Page 218 No 2464, William Tayler, Tahlequah district.
1896 218 2465 Caty Tayler

Q Did your wife have any brothers and sisters? A Yes sir.
Q Who? A. Joe and Tom and Phoenie.
Q Any of them older than she? A. Joe.
Q Is Joe dead? A. No sir.

1896 roll, Page 1287 No 2465 Eliza Tayler, Tahlequah district.

KATY TAYLER, called and sworn as a witness, testified as follows-

Q What is your name? A. Katy Tayler.
Q What is your post office? A. Eureka.
Q How long have you lived in the Cherokee Nation? A. Ever since I can remember.
Q Are you the wife of William Tayler? A. Yes sir.
Q When did you marry William Tayler? A. In 1873.
Q Was he a white man? A. Yes sir.
Q How long has he been dead? A. Four years.
Q Did you live with him until he died? A. Yes sir.

Q How many children did you have living in 1880? A. Three, Joseph, Ann Eliza and Triphena.
Q Were these children all living with you in 1880? A. Yes sir.
Q How den it come that we don't find them on the 1880 roll? A I dont know.
Q These are your own children born of the marriage between you and your husband William Taylor? A. Yes sir.
Q And this daughter Eliza, has she lived in the Cherokee Nation All her life? A. Yes sir.
Q Born and raised here? A. Yes sir.

The applicant applies for the enrollment of himself, wife and one child. His wife is identified on the roll od 1896 as a native Cherokee, she has lived in the Cherokee Nation all her life and she ought to be on the roll of 1880, but her name is not found thereon; the namesof her mother and father are found thereon as husband and wife, the mother being a native Cherokee. It is established by the testimony of the mother that she and her husband had three children born of their marriage, which dated back to 1873, at the time the 1880 roll was made; none of these three children are on that roll, and it is believed that their omission can only have arisen through neglect. The change of name of the applicant's wife is established by a license and certificate of marriage filed herewith and she will be listed for enrollment as a Cherokee by blood. The child Johnnie is said to be two years of age last June; the applicant and his wife were married on the 22d of August, 1897. When a proper certificate of the birth of this child is filed with the Commission he will be listed for enrollment as a Cherokee by blood. The applicant is shown to have married his wife under a Cherokee license as just stated, and the license and certificate are filed herewith. He is a white man , neither he nor his wife were previously married and they have been living together ever since their marriage, but his marriage to his Cherokee wife is too late under the Cherokee law of December 18th 1895 to entitle him to enrollment as a citizen of the Cherokee Nation, and therefore the application for his own enrollment is rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 16th of January, 1901

Commissioner.

CHEES BY BLOOD AND ADOPT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 18 1900

ACTING CHAIRMAN

Name of Applicant Write Under Oath

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

William M. Talley Melvin, I.T.

District Year Page No.

Born by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Husband's name

District Year Page No.

Born by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dismissed

R502

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of William M. Talley, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and two, it is entitled William M. Talley, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKERIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 502

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. William M. Talley,

Melvin, Indian Territory.

Sir:-

On the 18th of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share

in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white man, and that you were married by authority of a Cherokee marriage license on the 2nd day of August, 1897, to Eliza Taylor, alleged to be a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee census roll of 1896, and your said marriage

was contracted after the enactment of the Cherokee marriage law of December 14, 1896, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.

By (Signed) [redacted] *T. B. Needles.*

Register.

A[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* William M Talley. *for enrollment as citizen of the Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No. R 502.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1908

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2132-1902.
D. C. 6262-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of William M. Talley, R 502, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos Ryan,
Acting Secretary.
D.L.

FILED
APR 22 1902

ACTING CHAIRMAN

L. R. S. F. J. T.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible] Water Pipe Circular Index,

FILED

APR [illegible] 1902

[illegible] ACTING CHAIRMAN.

Cherokee R-902.

Muskogee, Indian Territory, April 17, 1902.

Mr. William M. Talley,

Melvin, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PAPER IN REPLY TO THE FOLLOWING
Cherokee-R-502.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 27, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of William K. Talley, Cherokee No. R 502, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

William M. Talley.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Chor R 503

PARTMENT OF THE IN
ION TO THE FIVE CIVI
FILED
JAN 10 1901

EXAMINED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

In the matter of the application of William Carlton Hutchinson for the enrollment of himself and children as citizens of the Cherokee Nation; said Hutchinson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A William Carlton Hutchinson.
Q How old are you Mr? Hutchinson? A 39.
Q What is your post office address? A Southwest City, Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to enroll? A Two children.
Q Are these your own children? A Yes, sir.
Q You don't apply for yourself? A No, sir.
Q You are a white man? A Yes, sir.
Q You never married according to Cherokee law? A I did, I married in January, 1896.
Q You might apply so that you can go on the records; so then you will apply for yourself and two children? A Yes, sir.
Q You apply for yourself as an intermarried man? A Yes, sir.
Q Let me see your marriage license and certificate? (Hands paper to COM'R.)
Q Your wife's maiden name was Polson, was it? A Yes, sir.
Com'r:--The applicant presents an official copy of his marriage license and certificate showing that he was licensed on January 24, 1896, by the Clerk of Delaware district, to marry his wife, Mrs.F. A. Polson, and that they were united in marriage on the same date by the Clerk of the district. This is filed herewith.
Q You had been previously married under United States law? A Yes, sir.
Q Did you live with your wife from the time you married her until she died? A Yes, sir.
Q How longhas she been dead? A 24th day of May, 1900.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you married since her death? A No, sir.
Q Give me, please, the names of your children? A Harry Ridge.
Q Howold is that child? A He will be four years old the 13th day of January.
Q The next child is Edith Frances, is it? A Yes, sir.
Q That child was born the 7th of December, 1898? A Yes, sir.
Q Did your wife live in the Cherokee Nation all her life? A Pretty near it.
Q How old was she when she died? A She was 31 I think.
Q During what part of her life had she lived out of the Cherokee Nation? A Well, I think right after she was born a while they lived in Arkansas and then along in the '90's sometime she was away.
Q How much was she away during the 90's? A She was away the three years she was away to school.
Q Was she only away attending school? A No, she worked in St. Louis for a couple of years.
Q What years were these? A '94 and '95.
Q Did she marry in St Louis? A Yes, sir.
Q Your first marriage was in St. Louis and then remarried here under Cherokee law down here? A Yes, sir.
Q She was just working on a salary? A Yes, sir.
Q Where were her father and mother whil she was working in St. Louis? A Both dead, her father died while she was there.
Q Where did her father die? A He died at Southwest City

Q Her mother died when she was little and where did she live in the Cherokee Nation from ~~the time~~ her early life up until about 1893 when she took a salaried place there in St Louis? A She lived with her family.
Q Where did they live? A They lived in the Nation part of the time and in Arkansas some. He moved backwards and forwards on account of his health.
Q Do you know about how much time they spent in Arkansas? A No, sir.
Q Where did they live in Arkansas? A Fayetteville.
Q She had lived partly in the Cherokee Nation and partly in Arkansas up to the time she went to St. Louis? A She went to the Fayetteville school and graduated.
Q And then after she graduated there where did she go? A Poughkeepsie, New York and graduated there and after graduating there, she went to St. Louis.
Q How long had she livedin the Cherokee Nation before she went to school here at Fayetteville? A That I do not know.
Q Give me the name of your wife's father? A I do not know what his initials were, Dr. Polsen--W. D., that's right.
Q Is he dead? A Yes, sir.
Q Give me the name of your wife's mother? A Flora I think.
Q Is she dead? A Yes, sir.
Q Her mother died before 1880 did she? A Yes, sir.
Q And then did your wife's father marry again? A Yes, sir.
1880 Roll; page 297, #1978, F. A Polsen, Delaware.
1896 Roll; page 480, #1437, Flora Alice Hutchinson, Delaware.
1896 Roll; page 574, #229, Carl Hutchinson, Delaware.
Q Mr. Hutchinson, where did your wife die? A Denver, Colorado.
Q Had she gone out there for her health? A Yes, sir.
Q Where did she live after her marriage to you, in the fall of 1896? A Lived in St. Louis a little while and come down to Delaware district/
Q When did you go to Delaware district? A Came there March,'97.
Q Now, where were these children born? A One in St. Louis and the other in the Territory.
Q The older one in St/ Louis? A Yes.
Q Now, when you came down to Delaware district with your wife in March, 1897, how long did you stay there and make it your home? A I staid there until I had to take her to Colorado for her health? A When was that A That was in the Spring of '99.
Q What business were you engaged in in Delaware district? A Farming.
Q You made it your home consistently from 1897 until you took your wife away on account of her health? A Yes, sir.
Q And she staid in Colorado until she died last Spring? A Yes, sir.
Q No application was ever made by your wife or by you for her for readmission to citizenship after her return to the Cherokee Nation? A No, sir.
Q Neither to the Dawes Commission nor the Council? A No, sir.
Q Now, you were married in january, 1896, were you making arrangement to come to your farm between january, 1897 and March, 1897? A Yes, sir.
Q And as soon as you could get possession you came? A Yes, sir.
Q And that was in March, 1897? A Yes, sir, I had a wheat crop put in the Fall before.
Q You had a wheat crop put on the farm in the Fall of 1896? A Yes, sir.

William C. Hutchinson--3.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and two children: His Cherokee wife to whom he is shown to have been married in accordance with Cherokee law by the license and certificate filed herewith, is identified on the rolls of 1880 and 1896 as a native Cherokee. She was absent from the Cherokee Nation for a considerable period, as set forth in detail in the testimony, between 1880 and 1896, acquiring her education, and after she had finished her technical education she, still unmarried, worked for a salary in the City of St. Louis during the year of 1894 and the greater part of 1895. The applicant states that he and his wife were married in the Fall of 1895 and that they immediately took steps to get possession of farming property to which they had a claim in Delaware District; that he put that property in crop in the Fall of 1896, and that they removed upon it and made it permanently their home in March, 1897. There they continued to live until the Spring of 1899, he was compelled to take his wife to Colorado for her health, where she continued for about one year when she died. While the applicant's wife did not resume her residence in the Cherokee Nation for several years after she had reached her majority, yet the circumstances attending her residence outside of the Cherokee Nation are of a peculiar character and do not seem to have impaired her legitimate claim to citizenship. It is desired, however, that the full Commission pass upon the question of residence and therefore the two children of this marriage, Harry R. and Edith F., will, when certificates of birth are filed with the Commission, be plisted for enrollment on a doubtful card as Cherokees by blood and the final decision of the Commission will be made known to the applicant at his post office address.

The applicant himself is shown to have been married to his wife under Cherokee law January 24, 1896. They having been previously married under United States law. Neither was married prior to this marriage. He lived with his wife from the time of their marriage until her death and since her death he has not remarried. He is identified with his wife on the roll of 1896. He is a white man but his marriage is too late under the Cherokee law of December, 16, 1895, to entitle him to enrollment as a citizen and therefore, the application for his own enrollment is rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

TMENT OF THE INTERIOR,
TO THE FIVE CIVILIZED TRIBES.
FILED
EC 18 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900

Name William C. Hutchinson Porch West City, Mo 1900.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Related

R503

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
Acting Secretary

COPY.

[illegible] February 14, [illegible]

[illegible]

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of [illegible] Hutchinson, entered by the Commission under the provisions of the act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. [illegible] and there, it is entitled William O. Hutchinson, and is here as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Approved and transmitted

[illegible]

Acting Secretary.

1 enclosure.

(COPY)

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 808.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. William C. Hutchinson,

Southwest City, Missouri.

Sir:-

On the 18th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the evidence in this case that you are a white man; that you were married by authority of a Cherokee marriage license on the 24th day of January, 1896, to Mrs. F. A. Folson, alleged to be a citizen by blood of the Cherokee Nation, and that you lived with her until her death on May 24, 1900. You are not identified on the Cherokee census roll of 1896, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarriedcitizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

Inclosure.
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* William C Hutchinson *for enrollment as* ___ *citizen* ___ *of the Cherokee Nation.*

C. C. Pleasants
Attorney for Cherokee Nation.

Cherokee No. R503.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2133-1902.
D. C. 6263-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of William C. Hutchinson, R 503, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

MISSION TO [illegible]
[illegible]
APR [illegible] 1962

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 658, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that "it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R M, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 658, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
B.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING CHAIRMAN

Cherokee R-303.

Muskogee, Indian Territory, April 17, 1902.

Mr. William C. Hutchings,

Southwest City, Missouri,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BARRINGER

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-S-205.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of William S. Hutchinson, Cherokee No. R 502, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

William C. Rutchinson.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 504

Cher R 504

"Q"

[illegible] OF THE [illegible]
[illegible] TO THE FIVE [illegible]

FILED
JAN 11 1901

[illegible]
ACTING [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1900.

In the matter of the application of Thomas Hendricks for the enrollment of himself, wife and one child as Cherokee citizens. He being sworn before Commissioner Needles testified as follows-

Q What is your name? A. Thomas Hendricks.
Q What is your age? 24.
Q What is your post office address? A. Tahlequah
Q What district do you live in? A. Tahlequah.
Q Are you a recognized Cherokee citizen? A. Yes sir.
Q By blood? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself and family.
Q What is your wifes name? A. Maud.
Q Is she a Cherokee by blood? A. No sir.
Q What was her name before you were married to her? A. Stanley.
Q How old is she? A. About 20.
Q Have you a certificate of marriage? A. Yes sir.
Q Please present it. (The applicant presents a license and certificate of marriage issued by the Clerk of the United States Court for the Northern District of the Indian Territory, certifying that Thomas Hendricks Jr. was married to Maud Stanley a citizen of the United States on the 11th of January 1899.)
Q Have you any children? A. Yes sir one.
Q What is its name? A. Robert R.
Q How old? A. One year
Q Have you any proof of birth with you? A. Yes sir.

1880 roll, Page 744 No 871, Thomas Hendricks, Tahlequah district.
1896 1181 1367 Thomas Hendricks, "

The name of Thomas Hendricks appears on the 1880 authenticated roll and the census roll of 1896, and he makes satisfactory proof of marriage to one Maud Stanley a non-citizen on the 11th of January, 1899 He avers that as a result of said marriage he has one child, Robert R. one year of age, whose name does not appear on the census roll of 1896 having been born since said roll was compiled, but he presents satisfactory proof of ~~xxxxx~~ birth as to said child. The said Thomas Hendricks and Robert R. being duly identified and satisfactory proof of ~~xxxxx~~ their residence having been made, they will be listed for enrollment as Cherokee citizens by blood. The applicant applies for the enrollment of his wife Maud, a non-citizen. The testimony shows that he was married to her in 1899, too late for her to acquire any rights as an inter-married citizen, consequently his application for his wife will be refused and she will be rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 11th of January, 1901.

Commissioner.

SCHENKER'S AS BLOOD AND VOLUMN

[redacted]

FILED
DEC [redacted]

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1909 1909.

Name Jellegnah Int-Wa

Dawes Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

Licensed Certificate

Wife's name Maud Hendricks

Dawes Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

Licensed Certificate

Kegiti Dist. Year Page No. Age

Cato Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)ss. No. 203
Northern District.)

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the Banns of Matrimony between Mr. Thomas Hendricks, Jr., of Tahlequah in the Indian Territory, aged 22 years, and Miss Maude Stanley, of Tahlequah in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, this 31st day of December, A. D. 1898.

SEAL. James A. Winston,
Clerk of the U. S. Court.

By H. W. C. Shelton, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, F. T. M. Higgins, a Minister DO HEREBY CERTIFY, that on the 11th day of Jany A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 11th day of January A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 254.

F. T. M. Higgins,
a Minister of M. E. C. South.

CERTIFICATE OF RECORD.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 7 day of Feb, 1899, at ....M., and duly recorded in Book G, Marriage Record, Page 458.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 8 day of Feb A. D. 1899.

Jas. A. Winston, Clerk.
By.....Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original, offered in evidence in the matter of the application for the enrollment of Maud Hendricks as a Cherokee citizen. N 504.

Retta E. Shick

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Maud Hendricks, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and four, it is entitled Maud Hendricks, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 804.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Maud Hendricks,

Tahlequah, Indian Territory.

Madam:

On the 18th day of December, 1900, your husband, Thomas Hendricks appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls

are to contain the names of all those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof-considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the laws shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed.

It appears from the testimony in this case that you were married on the 11th day of January, 1899, to Thomas Hendricks, your

said husband, who is a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee census roll of 1896, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.

By (Signed) T. B. Needles.
[redacted]

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 11 1902 in the matter of the application of Maud Hendricks for enrollment as a citizen of the Cherokee Nation.

C. C. Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 504.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

L. R. S.

R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 5, 1902.

I. T. D. 1207-1902.
D. C. 6234-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Maud Hendricks, R 504, for enrollment as an intermarried citizen of the Cherokee Nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 1 1 1 U2

ACTING CHAIRMAN

L. R. S.

F. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 31, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING CHAIRMAN

Cherokee-504.

Muskogee, Indian Territory, April 17, 1902.

Maud Hendricks,

Tahlequah, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-604.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Maud Hendricks, Cherokee No. R 604, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-504.

Muskogee, Indian Territory, August 19, 1902.

Thomas Hendricks,

Tahlequah, Indian Territory.

Sir:

When you applied to this Commission for the enrollment of Maud Hendricks as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on January 11, 1899, to Miss Maude Stanley.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-33.

Maud Hendricks.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 505

Cher R 505

P 505

JAN 190

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 19, 1900.

In the matter of the application of Rufus Hendricks for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Rufus Hendricks.
Q How old are you? A 31.
Q What is your postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself and family.
Q What is the name of your wife? A Susie.
Q She a Cherokee by blood? A No sir, adoption.
Q Have you any certificate of marriage to her? A I haven't got it with me.
Q Got it at home? A Yes sir.
Q What was her name before you married her? A Stanley.
Q She a white woman? A Yes sir.
Q When did you marry her? A Five years ago.
Q You know what month in the year? A 22nd of December, 1895.
Q What are the names of your children? A Joseph.
Q How old is Joseph? A Four years old.
Q The name of the next one? A James K.
Q How old is James? A Going on 3.
Q Name of the next one? A Wildie May.
Q How old is Wildie May? A She will be 2 in January.
Q Got any papers for these children? A Yes sir.
Q Is your father's name Thomas? A Yes sir.
Q He living? A Yes sir.
Q What is your mother's name? A Ellen.
Q She living? A Yes sir.
1880 roll; page 764, #969, Rathy Hendricks, Tahlequah district
1896 roll; page 1184, #1473, Rufus Hendricks, Tahlequah district.
1896 roll; page 1281, #113, Susan Hendricks, Tahlequah district.
1896 roll; page 1184, #1474, Joseph Hendricks, Tahlequah district.
Q These children all alive and living with you? A Yes sir.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Susan your first wife? A Yes sir.
Q You her first husband? A Yes sir.

Commissioner Needles-

The name of Rufus Hendricks appears upon the authenticated roll of 1880 as Rathy, and upon the Census roll of 1896 as Rufus Hendricks. He is duly identified according to page and number of the roll as indicated in the testimony. He avers that he was married to one Susan Stanley, a Cherokee citizen by blood, on the 22nd day of December, 1895, too late under the laws of the Cherokee Nation for intermarried persons to acquire any rights to citizenship by virtue of their marriage to citizens by blood. The name of his child, Joseph, appears upon the Census roll of 1896, and he presents satisfactory proof of birth as to two younger children, James K. and Wildie May, whose names do not appear upon said roll of 1896. All being duly identified, and having made satisfactory proof as to residence, the said Rufus Hendricks and his three children will be duly listed for enrollment as Cherokee citizens by blood; and by reason of the date of his marriage to his said wife, Susie, his application for her enrollment will be rejected. The enrollment of his three children will not be complete until he files with this Commission satisfactory proof of his marriage to said Susie Stanley, same not being presented at this time.

I, [illegible], being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I reported in full the testimony and proceedings in the above cause, and that the typewritten, [illegible] full, true and correct transcript of my stenographic notes in said cause.

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

R 205

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 19 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 19 1900 1900.

Name Ahlequah 2nd Dr

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Susie Hendricks

District TAHLEQUAH Year 1896 Page 128 No. 113

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children

Register — married too late

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

on 1896 roll as Susan Hendricks

C

CR505

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

ACTING COMMISSIONER

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Susie Hendricks, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and five, it is entitled Susie Hendricks, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. N. 808.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Susie Hendricks,

Tahlequah, Indian Territory.

Madam:

On the 19th day of December, 1900, your husband, Rufus Hendricks, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white person; that you were married on the 22d day of December, 1890, to Rufus Hendricks, your said husband, who is a citizen by blood of the Cherokee Nation. You are identified on the Cherokee census roll of 1896, but you were never married before, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.
Register.

By (Signed) [redacted]

[redacted] Chairman.
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Susie Hendricks *for enrollment as* ____ *citizen* ____ *of the Cherokee Nation.*

[illegible]
Attorney for Cherokee Nation.

Cherokee No. R 505

APR 24 1927

L. R. S. J.P.

Y.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2134-1902.
D' C. 6017-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Susie Hendricks, R 505, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

APR 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 22 1902

ACTING CHAIRMAN

Cherokee R-505

Muskogee, Indian Territory, April 17, 1902.

Susie Hendricks,

Tahlequah, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

R503

FILED
APR 22 1902

ACTING CHAIRMAN

Cherokee-R-905.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Susie Hendricks, Cherokee No. R 905, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDERIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Susie Hendricks, Cherokee No. R 303, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REC'D APR 28 1902 IND. TER.

REGISTERED
JUN 20 1902
TAHLEQUAH, IND. TER.
REGISTERED No 262

6921

RETURN TO WRITER

Susie Hulsey
Tahlequah
Ind. Ter

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MUSKOGEE, IND. TER.
22
1902

2180

Mrs. Susie Hendricks,
127
Tallequah,
Indian Territory.

Susie Hendricks.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 16 1901
ACTING CHAIRMAN

"a"

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 19, 1900.

In the matter of the application of John F. Long for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John F. Long.
Q How old are you? A 26.
Q What is your post-office address? A Wauhillau.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A I can't tell, I am on the 1896 roll; I was married under the Cherokee law.
Q Who do you want to enroll? A Just myself.
I have done enrolled my wife and kids.
Q Why didn't you enroll yourself when you enrolled your wife and kids? A I have never got before you yet.
Q Who enrolled your wife and kids? A You enrolled wife and one kid at Stilwell and you enrolled the other one here the other day, by a certificate.
Q Why didn't you enroll when your wife and kid enrolled at Stilwell, were you at Stilwell? A Yes sir, but they were going by numbers and my wife and kid were the Cherokees and I told them to go in.
Q You apply for enrollment as a Cherokee by intermarriage?
A Yes sir.
Q What is your wife's name? A Akie Christie.
Q When were you married to her? A Married in 1895.
1896 roll page 1284 #159 John F. Long Tahlequah
Q You were married in the year 1896? A Yes sir.
Q You were married in accordance with the laws of the Cherokee Nation? A Yes sir.
Q Had a Cherokee license? A Yes sir.

Com'r Needles: The name of John F. Long appears upon the census roll of 1896 he avers that he was married to one Akie Christie, a citizen of the Cherokee Nation in the year 1896, too late, under the laws of the Cherokee Nation for a non citizen to marry a citizen by blood and receive any rights of intermarried Cherokee citizens, consequently the application of John F. Long for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation will be refused and he will be rejected.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this January 14, 1901.

Commissioner.

R 506

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
OFFICE
DEC 18 1900
ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 19 1900 1900.

John T Long — Wauhillau 2nd Dist

TAKEN FROM — Year 1896 Page 124 No. 159

Citizen by blood no — Mother's citizenship

Intermarried citizen no

Married under what law — Date of marriage

License — Certificate

Wife's name

Married — Year — Page — No.

Citizen by blood — Mother's citizenship

Intermarried citizen

Married under what law — Date of marriage

License — Certificate

Names of Children

Rejected — Married to a Cato

Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

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Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

Dist. — Year — Page — No. — Age

R.506.

"6"

DEPARTMENT OF THE INTERIOR,
SSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 16 1901

CO

ACTING CHAIRMAN.

License issued to Jno. Frank L[illegible], [illegible] Alex Christie,

this Mch 27th, 18[illegible].

Aron Spears,

Deputy Clerk.

[illegible] Mch [illegible] 18[illegible].

This certifies that the [illegible] minister of the Gospel in [illegible] joined the above named persons, this 30th day of March 18[illegible].

B. S. I. C.

As per [illegible] License, [illegible] LC [illegible] Mckey Christie.

A. S[illegible]

D[illegible] Clerk.

[illegible]

[illegible] I, B. W. Alberty, [illegible] of the Cherokee Nation do hereby [illegible] that the [illegible] copy taken from the marriage record [illegible] Cherokee [illegible] given under [illegible] the [illegible] 1[illegible].

B. W. Alberty

[illegible] Executive Secretary

Cherokee Nation.

POOR ORIGINAL -
BEST AVAILABLE COPY

COMMISSION TO THE SUPREME COURT
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John F. Long, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number N. five hundred and six, it is entitled John F. Long, and is known as a Cherokee rejected application.

Respectfully,

T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Case No. 2, 606.

Muskogee, Indian Territory, February 14, 1908.

Mr. John T. Tong,

Vinita, Indian Territory.

Sir:-

On the 19th day of December, 1906, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make roll of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1906 (34 Stats., 539):

"That in making roll of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to make the roll of Cherokee citizens of eighteen hundred and eighty (and including freedmen) as the only roll intended to be completed by this act, providing date of genocide, and to enroll all persons who shall then have been found on said roll, and all children born since the date of said roll to persons there found living, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation since genocide, by reason of their marriage thereto, have been lawfully admitted to citizenship by the tribal authorities, and who have since then their permanent home and shall investigate the right of all other persons who may be found in any other roll and shall enroll only such as may have been placed thereon by fraud or clerical mistake of law, enrolling only such as may have lawful right thereto, and their descendants born since such roll was made, and such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 668 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you claim to have been married in 1896 to one Ella Christie, whom you allege to be a citizen by blood of the Cherokee Nation. You are identified on the Cherokee census roll of 1896, but your marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* John F. Long *for enrollment as citizen of the Cherokee Nation.*

Cherokee No. R 506

Attorney for Cherokee Nation.

FILED
APR 24 1902

L. R. S. J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2135-1902.
D. C. 6018-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of John F. Long, R 506, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 2[illegible] 1982

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING CHAIRMAN

Cherokee 8506.

Muskogee, Indian Territory, April 17, 1902.

Mr. John F. Long,

Wauhillau, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-506.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John F. Long, Cherokee No. R 506, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

John F. Long.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 507

Cher R

R 507

"9"

FILED
JAN 11 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 20th 1906.

In the matter of the application of Ed Fish for the enrollment of himself, wife and two children as Cherokee citizens. He being sworn before Commissioner Buchanan, testified as follows-

Q What is your name? A. Ed. Fish.
Q How old are you? A. 28.
Q What is your post office? A. Tahlequah.
Q Do you live in Tahlequah district? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself, wife and two children.
Q Both of these children by this wife? A. No sir, one by one woman and one by another.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your present wife a Cherokee by blood? A. No sir .
Q White woman? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Give me the name of your father? A. Lewis Fish
Q Is he dead? A. Yes sir.
Q Give me your mother's name? A. Nellie.
Q Is she dead? A. No sir.
Q Give me the name of your present wife? A. Ida.
Q How old is she? A. 22.
Q When did you marry her? A. In 1899.
Q Have you a certificate of marriage to this wife? A. No sir I have to my first one.
Q What was the name of your present wife when you married her? A. A. Fisher.
Q Was that her maiden name? A. Yes sir.
Q Had this wife ever been married when you married her? A. No sir, she was a girl when she came here.
Q Did she come here with her parents? A. With her mother.
Q Passed as an unmarried girl did she? A. Yes sir she was 12 years old when she came.
Q Did you know her when she came? A. Yes sir.
Q Are you living with that my wife now? A. Yes sir.
Q What is her name? A. Ida.
Q Is she the one that you married in 1899? A. Yes sir.
Q Is she the one that came here when she was a girl 12 years old? A. Yes sir.
Q Was Ida married when you married her? A. Yes sir.
Q How many times? A. Once.
Q Was that husband dead before you married her? A. Yes sir.
Q Who was her first husband? A. Will Goings.
Q When did he die? A. I can't tell you exactly—in the spring.
Q Spring of what year? A. About three years before she and I married.
Q How long did she live with Will Goings? A. Three years I think.
Q She must have married very young? A. Yes sir.
Q Give me the name of your child by your present wife? A. Lenny Fish
Q How old is that child? A. A little over a year old, will be two years old in the coming March.
Q What time in 1899 were you married? A. Think that it was in February.
Q Give me the name of your child by your first wife? A. Emmie.
Q How old is that child? A. Nine years.
Q Is he living now? A. Yes sir.
Q Give me the name of his mother? A. Lena.
Q Is she dead? A. No sir.
Q Was she a white woman? A. Yes sir.
Q What was her name when you married her? A. Lena Fisher.

I FIE v.

The applicant presents a certificate showing that he was married to Lou Flatmouth by the Rev. L. Dixon on April 4th 1898. This if filed in evidence.

Q Have you ever met that before you married Lou Flatmouth? A. No sir.
Q Did Lou ever married before she married you? A. No sir.
Q Did she tell you that she had been married before? A. Yes sir
Q Was married from Lou? A. Yes sir.
Q Got a divorce? A. Yes sir.
Q Where is the decree of divorce? A. All have I right below 16 with me
Q When did you separate from Lou Flatmouth? A. Can't tell you when it was 4 or 5 years ago.
Q What for the divorce you or your wife? A. I did.
Q For the divorce granted to you? A. Yes sir.
Q Did she leave you? A. No she said she didn't leave me, she got in doing wrong with outside men and I got her for divorce.
Q Did she contribute to your? A. No sir she was sick.
Q And you were granted a divorce on that ground? A. Yes sir.
Q You your wife married since then? A. Yes sir.
Q What for? A. Double Time.
Q Is he a Cherokee by blood? A. Don't think he is, don't know much about him.

1898 roll, page 797 to and 2 by Flat, Tahlequah district

Q The your wife has put on the roll of 1898 with y of? A. I believe she was.

1898 roll, page 1287 No 524, Edward Flat, Tahlequah district.
1898 1878 70 Lou Flat "
1898 1869 40 Double Flat "

Q Was your wife's first husband a white man? A. Yes sir.

The applicant applies for the enrollment of himself himself, wife and two children, she being by Mr. 3 second wife, he was from a former wife from whom he was divorced. He is identified on the public r. 1898 and 1900 as a Native Cherokee, he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. The child Double is identified on the roll of 1898 and 1900 as a native of the age of one. He is the child of the applicant by his former wife from whom he was divorced, and for whom no application is made. He is identified on the roll of 1898 as his child and a certificate of record is satisfying that they were married in April of 1898 by Elias Lowrie. This child is now living and will be listed for enrollment as a Cherokee by blood. The applicant states that he was married to the present wife Sally in 1898, but is not able to file a certificate of marriage in this case. He states that she was once previously married but that her former husband was dead before the present marriage, and as mentioned before, he was divorced from his former wife, a white woman, eventually married only once. In any event, she is shown to be the present wife in the case to entitle her to enrollment under the Act of December, 16th 1898, she not being a citizen, and therefore the application for her enrollment is rejected. That he files the certificate of marriage and a copy of the decree of divorce from his first wife, and satisfactory proof of birth as to Lucy, the child of the present marriage, that child will be listed for enrollment as a Cherokee by blood, but all records this child will be signed on a detached card to avoid the evidence herein.

[redacted]

[redacted]

Chancellery

[redacted] this [redacted] day of [redacted]

[redacted]

P 507

" "

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 19 1900

ACTING CHAIRMAN.

Commission of Northern Tribes of Indian Nation

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 19 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ida Fish

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

wife of Ed Fish

R507

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 16 1902

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

Ex

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that I have examined the marriage records of Tahlequah District Cherokee Nation to find the record of a marriage of Ed. Fish and Ida Gowings but fail to find a record of such a marriage; that said marriage records have been filed in this Office by law and are in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 13th day of June 1902.

B.W. Alberty

Assistant Executive secretary
Cherokee Nation.

R 507

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 16 1902

32 Ed Fish (Babier Atty.
vs (9-6-97 1st calling, 2nd calling,
Lou Fish (Suit for divorce.
No ans.

9-7-97 3th calling Defendant having been called three several times judgement given to plaintiff by default.

Executive Office Cherokee Nation,
Tahlequah Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the Circuit Court record of Tahlequah District Cherokee Nation, now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 13th day of June 1902.

B.W. Alberty
Assistant Executive secretary.
Cherokee Nation.

R507

Commission to the Five Civilized Tribes

FILED
MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida Fish, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and seven, it is entitled Ida Fish, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 807.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Ida Fish,

Tahlequah, Indian Territory.

Madam:

On the 19th day of December, 1900, your husband, Ed Fish, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married to Ed Fish, your said husband, who is a citizen by blood of the Cherokee Nation, in 1898, but such marriage was subsequent to the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (Signed) T[redacted]

[redacted]n.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Ida Fish *for enrollment as* a *citizen of the Cherokee Nation.*

W. W. Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 507.

J. C. L.

APR 24 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2136-1902.
D. S. 6019-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ida Fish, R 507, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible] IN THE [illegible] OFFICE

FILED

APR 24 1902

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DECLARATION OF INTENTION
TO THE FIVE CIVILIZED TRIBES

FILED
APR 24 1902

ACTING CHAIRMAN

Cherokee R-507.

Muskogee, Indian Territory, April 17, 1902.

Ida Fish,

Tahlequah, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted].

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ida Fish, Cherokee No. R 507, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Ida Fish.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 308

Cher R 308

P Exo. 8

"a"

FILED
JAN 11 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 10, 1901.

In the matter of the application of John C. Jordan for the enrollment of himself, wife and children as Cherokee citizens: he being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A John C. Jordan.
Q What is your age? A Going on 37.
Q What is your postoffice address? A Muskogee.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you desire to enroll? A Myself, wife and children.
Q What is the name of your wife? A Elizabeth M.
Q Is she a Cherokee by blood? A No sir.
Q What is her age? A 31.
Q Have you any certificate of marriage? A No sir.
Q What is her age? A Who married you? A Theodore Brewer.
Q He living? A Yes sir, at Vinita.
Q What are the names of your children? A Herbert R.
Q How old is he? A He was born in 1894.
Q Name of the next child? A Roy C.
Q How old is he? A He was born in 1896.
Q These children alive and living with you at this time? A Yes sir, right in town.
Q Your name on the roll of 1880? A Yes sir.
1896 roll: page 39, #1065, John C. Jordan, Canadian district.
1896 roll: page 39, #144, Lizzie M. Jordan, Canadian district.
Q You have another child? A Yes sir, Mason F.: he was born in 1888.
Q Do you want to enroll him? A Yes sir.
1896 roll: page 39, #1066, Mason F. Jordan, Canadian district.
1896 roll: page 39, #1067, Raymond Jordan, Canadian district.
1896 roll: page 39, #1068, Ray Jordan, Canadian district.
Q When were you married? A In 1893.
Q What was your wife's maiden name? A Cox.
Q Is she your first wife? A Second.
Q Was your first wife living when you married her? A Dead.
Q Are you Elizabeth Cox's first husband? A Yes sir.
Q You and her been living together continuously since you married her? A Yes sir.
Q Who was the mother of Mason F.? A Ollie Anna Meyers.
Q Is she a white woman? A Creek; she was really part Cherokee and part Creek. She drew on the Cherokee side.
Q Have you ever applied to have Mason enrolled as a Creek? A I think my brother-in-law did, and filed for him without my consent.
Q Then do you apply for the enrollment of Mason F., do you? A Yes sir.
Q Who was the mother of your other two children, Herbert R. and Roy C.? A She was a Cox.
Q She was a white woman? A Yes sir.
Q Married to her in 1893? A Yes sir.
1880 roll: page 31, #1062, John C. Jordan, Canadian district.
1894 roll: page 31, #1063, Mason Jordan, Canadian district.
Q What was your mother's name? A Louisa.
Q Is she living? A Yes sir.
Q Is she a [illegible] citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Is her name on the roll of 1880? A I think she was in the Choctaw Nation then. We came after that. She was here before then, and went back there.
Q Is she a Choctaw or Cherokee? A She's a Cherokee.
Q What is your father's name? A John W.
Q He living? A Yes sir.
Q Is

Q Are a Cherokee by blood? A Yes sir.
Q His name on the roll of 1880? A I think so.
Q How long have you been living in the Cherokee Nation? A I have never been out except over here, backward and forward.
Q Where backward and forward? A Here and then back in the Cherokee Nation.
Q Where were you born? A Tishomingo, at the close of the war.
Q You never lived outside of the Indian Territory? A No sir.
Q Do you know that your name is not on the roll of 1880? A No sir, I always thought it was.
Q Did you ever have it examined? A No sir, I always thought it was on the 1880 roll, that is the reason I wasn't in a hurry to be enrolled. I thought I would wait until the Dawes Commission came back here. I was living with Mrs. Brackett, and I thought she enrolled me in 1880.
Q Were you living with your mother in 1880? A No sir, my mother was in the Choctaw Nation then.

By Emmet Starr, representative of the Cherokee Nation-
Q Did your mother draw your Cherkee strip money in 1894? A Yes sir, Louisa Crane was her name.

redirect.

Q Her and your father separated? A Yes sir.
Q You know when they were married? A The latter part of the war, during the war sometime.
Q You don't know who married them? A No sir, I don't know. They were married at Fort Gibson.
Q Was your mother a white woman? A She's a Cherokee by blood.
Q When did she die? A She isn't dead yet.

Commissioner- Upon examination of the records of this Commission, it is found that Mason F. Jordan was listed for enrollment as a Creek citizen by blood, and that he has taken his allotment through his guardian, Mr. Ralerson.

By W. W. Hastings-
Q Did you ever live out on what is known as the Cherokee strip? A No sir, I never did. I have always lived in the Cherokee Nation. My father and brothers lived out there on the strip.

Commissioner Needles-
The name of the applicant John C. Jordan is found upon the Census roll of 1896, and also upon the pay roll of 1894. The name of his averred wife, Elizabeth M., is found upon the Census roll of 1896. The names of his children, Herbert R., Roy C. and Mason F., are duly identified upon the Census roll of 1896 according to page and number of the roll as indicated in the testimony. Upon examination of the rolls, the name of John C. Jordan cannot be found upon the authenticated roll of 1880, neither the name of his mother. The name of his father is found upon the authenticated roll of 1880. No proof is made as to the marriage of his father and mother. Applicant avers that his mother is a Cherokee by blood. The applicant avers that he was married to one Elizabeth M. Cox, a non citizen, in the year 1895, but presents no satisfactory proof of said marriage. The result of said marriage is two children, Herbert R. and Roy C., whose names appear upon the Census roll of 1896. He avers that he has one child, Mason F., by a former wife, whom he avers was a Creek citizen. The name of said Mason F. is found upon the Census roll of 1896 and pay roll of 1894; and upon examination of the records of this Commission, it is found that Mason F. Jordan, through his legal guardian, was listed as a Creek citizen, and has taken his allotment as such. By reason of the facts that the names of said John C. Jordan, or that of his mother, is found upon the authenticated roll of 1880, no satisfactory proof is made as to his citizenship, final judgment as to

the enrollment of himself and his children, Herbert R. and May S., as Cherokee citizens by blood, will be suspended, and their names will be placed upon a doubtful card. Application for the enrollment of his son, Mason W. Jordan, will be rejected, for the fact that he has already proved his Creek citizenship. The name of his wife, Elizabeth E. Jordan, will also be placed upon a doubtful card, and final judgment as to her enrollment as a Cherokee citizen will be suspended, awaiting satisfactory proof of marriage between her and her said husband, John G., and satisfactory proof of citizenship as to the applicant, John D. Jordan.

E.S.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. S. Rothenberger

Subscribed and sworn to before me this 11th day of January, 1901.

Commissioner.

"B"

CHEROKEE BY BLOOD ADOPTION

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 10 1907

Acting Chairman

Enrollment of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 10 1901 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Mason F. Jordan	Dist. CANADIAN.	Year 1896	Page 39	No. 1066	Age 13
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

Listed as a Creek and allotment taken

Cherokee 1-204.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mason P. Jordan for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That, at Muskogee, Indian Territory, on January 10, 1901, John G. Jordan appeared before the Commission to the Five Civilized Tribes and made application for, among others, the enrollment of his minor son, Mason P. Jordan, as a citizen by blood of the Cherokee Nation. The others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision.

The records further show that the said Mason P. Jordan possesses the right to enrollment as a citizen by blood of the Creek Nation; that his name appears upon a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior on March 13, 1906, opposite No. 31, and that on March 30, 1906, a selection of land was made for him in said nation by his legal guardian. Section 22 of the Act of Congress approved July 1, 1902 (32 Stats., 716) provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provision of the Act of Congress above noted, Mason P. Jordan is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this OCT 31 1905

Muskogee, Indian Territory, October 5, 1908

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not the name of Mason F. Jordon appears upon the final roll of citizens of the Creek Nation, and if so his final roll number, and the date of Departmental approval of said roll.

You are also requested to advise this Division whether or not he has, either in person or by attorney, selected and filed upon his allotment of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

LMB

Commissioner

Gr. I-8 I.T.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 9, 1905.

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

Receipt is acknowledged of your communication of October 5, 1905, in which you ask to be advised whether or not the name of Mason F. Jordon appears upon the finall roll of citizens of the Creek Nation, and if so, his final roll number and the date of Departmental approval of said roll; you also ask to be advised whether or not he has, either in person or by attorney, selected and filed upon his allotment of land in the Creek Nation; and, if such filing has been made, whether it was done voluntarily or arbitrarily.

In reply you are advised that the name Mason F. Jourdan appears in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite Roll No. 51. You are further advised that Mason F. Jourdan was, at the time of his enrollment, March 30, 1899, eleven years old, and that on June 30, 1899, a selection of land in the Creek Nation was made for him by Edgar R. Rulison, his legal guardian.

Respectfully,

Tams Bixby
Commissioner.

COPY.

Cherokee R 508.

Muskogee, Indian Territory, October 31, 1905.

John C. Jordan,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of your minor child, Mason F. Jordan as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Incl. S-37
Register

Refer in reply to the following:
Cherokee R 508.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

BCG

Muskogee, Indian Territory, October 24, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 24, 1905, rejecting the application for the enrollment of Jesse T. Jordan as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and action. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. S-38

COPY.

Muskogee, Indian Territory, October 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Wasca F. Jordan as a citizen by blood of the Cherokee Nation, including the Commissioner's decision dated October 31, 1906, rejecting said application.

Respectfully,

Tams Bixby.

Commissioner.

Encl. 3-39

Through the
Commissioner of Indian Affairs.

COPY.

Land
[illegible], 1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1903, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of Rhoda F. Jordan.

October 31, 1903, the Commissioner decided adversely to the applicant.

The record shows that Rhoda F. Jordan's name appears upon a partial roll of citizens by blood of the Creek Nation approved by the Department March 13, 1902, at No. 31, and that on March 30, 1899 a selection of land was made for him by his guardian in said Nation.

In view of the record and of Section 28 of the Act of July 1, 1902, (32 Stats. 716), the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

E. F. Larrabee,

Acting Commissioner.

EEB-McC.

DEPARTMENT OF THE INTERIOR, 112

SECRETARY

D.C. 70041
I.T.D.10000-1906. July 11, 1906.

I. R. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of June 9, 1906, your decision of October 31, 1905, denying the application for the enrollment of Mason F. Jordan, a minor, as a citizen by blood of the Cherokee Nation, is hereby affirmed, it appearing that prior to said application Mason F. Jordan had been duly enrolled upon the approved roll of the Creek Nation, and has been allotted lands therein upon request of his legal guardian , Edgar R. Ballard.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E Wilson

Assistant Secretary.

1 inclosure.

Cherokee N. 888 COPY.

Muskogee, Indian Territory, July 27, 1906.

John G. Jordan,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting your application for the enrollment of your child, Mason F. Jordan, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, July 12, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

Encl. N.J.-124.
N.J.C.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R. 508

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 27, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Mason F. Jordan, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, July 12, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

Commissioner.

Encl. H.J.-135.
H.J.C.

Cher R 509

Cher R 509

R 5-7

"Q"

JAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1900.

In the matter of the application of Benjamin F. McPherson for the enrollment of himself, wife and children as Cherokee citizens. He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. Benjamin F. McPherson.
Q What is your age? A. 40.
Q What is your post office address? A. Fryer Creek.
Q What district do you live in? A. Goweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who is it that you want to have enrolled? A. Myself and family
Q What is your wifes name? A. Ida. She is a white woman.
Q Have you a certificate of marriage? A. No sir.
Q What was her name before she married you? A. Brown.
Q How old is she? A. 19.
Q When were you married to her? A. In 1897
Q What are the names of your children? A. Carlos Vera.
Q How old? A. 22.
Q Next child? A. Lewis.
Q How old? A. 11.
Q Next child? A. Beatrice.
Q How old? A. 2.
Q Next child? A. John W.
Q How old? A. Two weeks old.
Q Got any proof of birth as to these children? A. Yes sir.
Q Were you married once before this time? A. Yes sir.
Q What was your first wife's name? A. Hallie Cloud.
Q Was she a Cherokee by blood? A. Yes sir.
Q Is she dead? A. Yes sir.
Q What was her age when she died? A. 23.
Q What was her fathers name? A. Jim.
Q Is he living? A. Yes sir.
Q What is her mothers name? A. Martha.
Q Is she living? A. Yes sir.
Q Is she the mother of Carlos? A. Yes sir the mother of the two oldest ones.
Q Your first wife was an Indian by blood? A. Yes sir.
Q Have you a certificate of marriage to your second wife? A. I have it at home.
Q Are these children alive and living with you? A. Yes sir.
Q Have you lived here ever since 1880? A. Yes sir all my life.

By Cherokee Representative W. W. Hastings-

Q Have you any other name? A. Yes sir.
Q What is it? A. Unce.

By the Commission-

1880 roll, page	142	No 1860,	Ulce McPherson, Goweescooowee district
1880	355	251,	M. (H) E. Cloud, Flint district.
1896	208	3082	Ben McPhearson Goweescooowee district.
1896	208	3083	Vernon McPhearson "
1896	208	3084	Lewis McPhearson "

Q Was your first wife living when you married your second wife? A. No sir she was dead.

The name of Benjamin F. McPherson appears on the authenticated roll of 1880 as Ulce McPherson, he swore that he was married to his present wife, Ida Brown, a non-citizen in 1897. He also swore that he was formerly married to Hallie Cloud a Cherokee citizen by blood

whose name appears on the authenticated roll of 1880 as M. (H) E. Cloud, and by whom he has two children, Carlos Vera and Lewis, whose named appear on the census roll of 1896. He avers that be the marriage to his second wife Ida, he has two children, Beatrice and John W., whose names are not on said roll, having been born since same was compiled. He makes no proof of marriage to his second wife, Ida, the mother of his two youngest children. He and his said children are identified according to the page and number of the roll, consequently the said Benjamin F. McPherson and his children, Carlos Vera, Lewis, Beatrice and John W. will be duly listed for enrollment as Cherokee citizens by blood, but in order to complete the enrollment of his youngest two children, Beatrice and John W., it will be necessary for him to produce satisfactory proof as of marriage to his present wife, Ida, and proof of birth as to said two children Beatrice and John W. The applicant also applies for the enrollment of his wife Ida. He avers that he was married to her in 1897, which is too late under the laws of the Cherokee Nation to entitle her to enrollment as an inter-married citizen, consequently the application for the enrollment of his wife Ida will be rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the for going is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 11th of January, 1901.

Commissioner.

P 209

Card made from
Testimony June 12, 190
Sic memorandum
issued:

"B"

R509

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 4 1902

ACTING SECRETARY.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida McPherson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 509, it is entitled Ida McPherson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 509.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(Copy)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. N. 809.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Ida McPherson,

Pryor Creek, Indian Territory.

Madam:

On the 18th day of December, 1900, your husband, Benjamin T. McPherson, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of all those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XXI, Sections 659 to Sec. 664, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white person; that you were married in 1897 to your said husband, Benjamin F. McPherson, a citizen by blood of the Cherokee Nation, but such marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 1 *in the matter of the application of* Ida McPherson *for enrollment as a citizen of the Cherokee Nation*

Attorney for Cherokee Nation

Cherokee No. R. 509.

MISSION TO THE
FILED
APR 1 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2137-1902.
D. C. 6020-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ida McPherson, R 509, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
B.L.

APR 2[illegible] 1982

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with those cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 22 1962

ACTING CHAIRMAN

Cherokee R-809.

Muskogee, Indian Territory, April 17, 1902.

Ida McPherson,

Pryor Creek, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April , 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-309.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1903.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ida McPherson, Cherokee No. R 309, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1903.

Very respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 23 1902

ACTING CHAIRMAN

Cher. R-509.

Muskogee, Indian Territory, May 24, 1902.

Mrs. Ida McPherson,

Pryor Creek, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th inst. requesting that you be advised as to the contents of a registered letter which was recently sent to you at Pryor Creek and which you say was destroyed before the same was delivered to you.

In reply you are advised that on the 17th day of April, 1902, the Commission wrote you by registered letter advising that its decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Yours truly,

Acting Chairman.

Registered.

Ida McPherson.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 510

Cher R 510

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 2nd, 1906.

IN the matter of the application of James A. White et al for enrollment as Cherokee citizens being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A James A. White.
Q What's your age? A 26.
Q What's your post-office? A Stilwell.
Q What's your district? A Flint.
Q How long have you lived in Flint? A About 4 years.
Q Where did you live before that? A I lived in Goingsnake before that.
Q How long did you live in Goingsnake? A Hardly a year.
Q Where did you live before that? A Tahlequah.
Q How long did you live in Tahlequah? A About one and a half year.
Q Where did you live before that? A I lived in Georgia.
Q For whom do you apply for enrollment? A For myself, wife and baby.
Q One child? A Yes sir.
Q Were you admitted by the action of the Cherokee authorities? A Yes sir.

You hand me here Mr. White, a duly authenticated certificate of admission to Cherokee citizenship. It is signed by J. T. Mack, Chairman of the Committee on Citizenship. It is attested by Connell Rogers, Clerk of the Committee, approved and endorsed by J. B. Mayes, Principal Chief of the Cherokee Nation and it is under the seal of the Nation. It is dated, Sept. 22nd, 1886. In this certificate, I find the name of James A. White along with some other people.
Q Is that your name? A Yes sir.
Q You present this as your certificate to admission? A Yes sir.
It is in due form and you are duly identified in this certificate. It is returned to you.
Q Are you on the roll of 1896? A Yes sir, I guess so.
Q Roll of 1896? A I guess so.
Q Give the name of your wife? A Mary Kindness White.
Q What was her name when you married her? A Culver.
You hand here a marriage license, Mr White, which is in due form. It is issued by James A. Winston, Clerk of the United States Court, H. W. C. Shelton, Deputy, on the 12th of February, 1897, dated at Tahlequah and under the seal of the court and authorizing your marriage to Miss Kindness Culver. The certificate of marriage shows that you were duly married according to the license on the 21st of February, 1897. The document shows that it has been duly recorded, having been filed for record April 14th, 1897.
Q Mr. White, you claim for your wife as an intermarried Cherokee?
A Yes sir.
Q Do you know the Cherokee law of 1895 preventing the acquirements of right to citizenship by intermarriage after that date; are you aware of that law? A Well, I have heard of it, yes sir; I don't claim to know much about law.
Q But you make your application for your wife? A Yes sir.
Q She's living at this time and living with you? A Yes sir.
Q Now Mr. White, you seem to want to apply for a child? A Yes sir.
Q What is the name of your child? A Willie Guy.
Q How old is that child? A Three years old, the 8th of November.
Q Is that child upon any roll of the Cherokee Nation? A No sir.
Q Its name is Willie Guy White? A Yes sir.
Q That is the child of your present marriage? A Yes sir.
You present here a sworn certificate of the birth of this child from its mother, Mary K. White, and from J. S. Rogers, M.D., duly attested by a Notary Public. You file this with your application.
1896 roll; page 814, #8820, James A. White, Goingsnake Dist.
1894 roll; page 1183, #6673, Jas. A. White, Tahlequah Dist.

Now, Mr. White, it is observed that you were admitted to citizenship in 1888 and that you only appear to have been in the Cherokee Nation about 6 1/2 years; in other words, according to the statement you have submitted, you did not come to the Cherokee Nation until something like six years had expired after your admission. I will stop at this point and let you be interrogated by the representative present of the Cherokee Nation.

Mr. Naught: Mr. White, is your mother Mary White? A Yes sir.
Q Was she admitted to citizenship in 1888? A Yes sir.
Q When did she first come to this country after admission? A In April, I believe; I will not be positive.
Q You came with her? A Yes sir.
Q How long did you live in the Cherokee Nation after you first came here? A It wasn't a great while.
Q About how long? A Three or four months.
Q What was your object of the move to this country? A The object was to make our home here.
Q When you returned or went back to Georgia, did you take all your effects with you? A Folks did, yes sir.
Q How long did you remain in Georgia before you returned to this country? A Something over three years.
Q What was you doing while you were in Georgia this last time? A Just farming.
Q Living on your own place? A No sir.
Q What was the object in going back to Georgia? A I had to follow my father then as I was under age then. I don't know the reason.
Q What time did you return here then? A In November, 1894, I, believe.
Q Did you draw strip money? A Yes sir.
Q Where was you at when the Census Roll was made for the purpose of paying out this money? A In Georgia, I guess.
Q How come your name to be placed upon that roll? A I don't know anything about that.
Q You didn't give the names in yourself, you say your folks? A No sir.
Q You didn't get any of the money yourself, did you? A No sir.
Q Were you of age when you returned to this country the last time? A No sir.
Q Did you or your folks make application to the National Council for readmission? A I don't know.
Q Do you know whether your father while he was in the state of Georgia exercised any of the rights as a citizen of that State? A No sir, I don't know.
Q Do you know whether he voted at any election either municipal or otherwise? A No, I don't.

I wish in the name of the Cherokee Nation to file a protest against the enrollment of this applicant and his child, Willie Guy, on the ground that they have forfeited their rights by removing from the Cherokee Nation back to Georgia with all their effects; and that when they came back, they failed to avail themselves of the privilege granted under section ten, Article one, of the Cherokee Constitution, which providing for the readmission of persons so removing out of the limits of the Cherokee Nation.

Gen'r. Breckinridge: Mr. White, you present a duly authenticated certificate of your admission to citizenship on the 22nd of September, 1888, and you are found on the roll of 1894 and also on the roll of 1896; but it appears from your testimony that after your admission in 1888, you came with your family to the Cherokee Nation and then returned for several years to Georgia as shown in the testimony, returning again to the Nation some six years ago. The question of your having forfeited your citizenship and having failed to take necessary steps for readmission presents itself in this case for con-

sideration and is also raised by the representative present of the Cherokee Nation. Your residence in the Nation for the last six years or nearly six years at least, appears to be very well established, but in view of the question of expenditure involved, your application will be placed upon a doubtful card for further consideration. When the decision of the Commission is finally reached, you will be advised of it at your present post-office and that decision whether favorable or unfavorable, will be forwarded with all the papers in your case to the Honorable Secretary of the Interior for his final approval.

Now, you have made application for your wife, Kindness White. Your marriage is duly established, but it took place in 1897 after the Cherokee law prohibited the acquirement of rights of citizenship by intermarriage, and therefore the enrollment of your wife at his time is refused; but that does not effect the rights of your child, Willie Guy; he is duly identified by a certificate of birth, which you have presented and which is shown ~~to~~ to be born in lawful wedlock, but the child can only derive its rights through you under lawful marriage and therefore your application for the child willbe placed with yours upon a doubtful card, and the final decision respecting the child will be communicated to you as with your own application.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge as stenographer to the Commission to the Five Civilized Tribes, he reports in full the testimony of the above named witness, James A. White, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger

Sworn to and subscribed before me this 6th day of August, 1902.

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date August 3 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage July 21 — 1897

License Certificate Filed this August 21

Wife's name Kindness White, Tahlewell, I.T.

District Year Page No.

Citizen by blood Mother's citizenship U.S.

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected

Rejected

Mr. Ferguson,

Rejected for want of jurisdiction

Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee, I. T., August 11, 1908.

I, the undersigned, a stenographer of the Commission of the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original letter to the enrollment evidence in the matter of the application for the enrollment of Mary K. Mills as a Chickasaw citizen. R. B. OLA.

COMMISSION

MARRIAGE LICENSE.

United States of America,
Indian Territory, }ss. No. 59.
Northern District.

To Any Person Authorized by Law to Solemnize Marriage.
Greeting:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and Publish the Banns of Matrimony between Mr. James C. White of Stilwell in the Indian Territory, aged 22 years, and Miss Kinnness Culver, of Stilwell in the Indian Territory, aged 22 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Tahlequah, this 12 day of Feb. A. D. 1897.

James A. Winston
Clerk of the U. S. Court.

By H. W. C. Shelton, Deputy.
SEAL.

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory, }ss.
Northern District.

I, A. W. Culver, a Ordain Minister DO HEREBY CERTIFY, that on the 21 day of February A. D. 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this the 21 day of February A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book E, Page 97.

A. W. Culver,
a Ordain Minister.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory, }ss.
Northern District.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 14 day of Apl. 1897, at.....M., and duly recorded in Book E, Marriage Record, Page 468.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 1 day of Feb. A. D. 1897.

Jas. A. Winston, Clerk.
By..... Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original, offered in evidence, in the matter of the application for the enrollment of Mary K. White as a Cherokee citizen. R 510.

Retta Chick

COMMISSION TO PUBLISH UNPUBLISHED
RECEIVED
MAR 24 1902

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mary K. White, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and ten, it is entitled Mary K. White, and is known as a Cherokee rejected application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

1 enclosure.

(COPY)

[illegible]

[illegible]
Tams Bixby,
[illegible]
[illegible]

[illegible]
Commissioner.

Enrollment case no. 820.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1908.

Mrs. Mary E. White,
Stilwell, Indian Territory.

Madam:

On the 24 day of August, 1907, your husband, James A. White, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 630 to 633, inclusive, pages 329 to 331 of the Compiled Laws of the Cherokee Nation, is hereby amended (so as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 20th day of February, 1897, to one Jesse A. White, claimed to be a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you have your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * or

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.
[redacted]

Enclosure.

[redacted]

Enclosure.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 in the matter of the application of Mary R White for enrollment as citizen of the Cherokee Nation.

Attorney for Cherokee Nation.

Cherokee No. R510.

L. R. S. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1900-1902.
D. C. 6021-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Mary K. White, R 210, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1830-1902.
D. C. 8081-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 1962

ACTING CHAIRMAN

Cherokee R-810

Muskogee, Indian Territory, April 17, 1902.

Mary K. White,

Stilwell, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 17, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

Cherokee R. 510.

Muskogee, Indian Territory, August 14, 1902.

James A. White,

Stilwell, Indian Territory.

Sir:

When you applied to this Commission for the enrollment of your wife, Mary E. White, as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on February 21, 1897, to Miss Windness Culver.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-27.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-510.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mary E. White, Cherokee No. R 510, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Mary K. White.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 511

Cher R 511

R 511

DEPARTMENT OF THE [illegible]
COMMISSION TO THE [illegible]
FILED
JAN 16 1901

"A"

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., January 18, 1921.

In the matter of the application of Eldridge A. Burton for the enrollment of his self, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Eldridge A. Burton.
Q How old are you? A Going on 26.
Q What is your postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Adopted.
Q What do you desire to enroll? A Myself, and wife, and children.
Q How many children? A Three.
Q What is the name of your wife? A Ida Lee.
Q What was her name before you married her? A Johnson.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q How old is she? A 22.
Q When did you marry her? A In 1916.
Q What was her father's name? A Phillip Johnson.
Q Is he living? A Yes sir.
Q What is her mother's name? A Maggie.
Q Is she living? A No sir, she's dead.
Q What are the names of your children? A Ervin G.
Q How old is he? A Three years old.
Q The name of the next child? A Bailey.
Q How old is Bailey? A Two years old.
Q Name of the next one? A Fletcher.
Q How old is Fletcher? A He's about three weeks old.
Q You apply for yourself, do you? A Yes sir.
1880 roll: page 176, Field, Ida Lee Johnson, Tahlequah district.
1896 roll: page 1218, Field, Ida Lee Burton, Tahlequah district.
1896 roll: page 1296, Field, Eldridge Burton, Tahlequah district.
Q Have you any proof of birth of these children made out? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 20 years.
Q Your wife born and raised inside Cherokee Nation? A Yes sir.
Q She living there now? A Yes sir.
Q These children all living? A Yes sir.

Commissioner Needles-

The name of Eldridge A. Burton appears upon the Dawes roll of 1896, and he avers thereby is a non citizen, and was married to Ida Lee Johnson, a citizen by blood in the year 1916, and the name of his wife, Ida Lee Johnson, is found upon the authenticated roll of 1880 by her maiden name, and upon the Dawes roll of 1896 as Ida Lee Burton, her married name. He avers that the result of said marriage, he has three children, Ervin, Bailey and Fletcher, whose names do not appear upon the Dawes roll of 1896, having been born after said roll was compiled, but satisfactory proof of birth is filed. For the fact that said Eldridge A. Burton is a non citizen, and was married to his wife, Ida Lee, a citizen, in the year 1916, too late under the law of the Cherokee Nation to acquire any rights as a Cherokee citizen, his application for the enrollment of himself is rejected. The land, Ida Lee Burton, his wife, and his three children, as enumerated herein, will be only listed for enrollment as Cherokee citizens by blood, they being duly identified according to page and number of the roll, and having made satisfactory proof as to residence.

[redacted]

Wheeler

FILMED BY UNIVERSITY MICROFILMS

R511

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 12 1901

ACTING CHAIRMAN.

Testimony of applicant taken under oath.

CHEROKEES BY BLOOD AND ADOPTION.

JAN 12 1901

Date ..... 1900.

Eldridge A. Newton Tahlequah, I.T.

Name ..... TAHLEQUAH ..... Year 1896 Page 1896 No. 193

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Sister Sister P. Newton

Name ..... Year 1896 Page 1896 No. 193

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children.

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Refused

On 1896 roll as Eldridge Newton

C

R 511

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Eldridge A. Newton, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. Five hundred and eleven, it is entitled Eldridge A. Newton, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 811.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Eldridge A. Newton,

Tahlequah, Indian Territory.

Sir:

On the 12th day of January, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people, or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the evidence in this case that you were married in 1896 to one Ida Johnson, a citizen by blood of the Cherokee Nation. You are identified on the Cherokee census roll of 1896, but your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.
Register.

By (Signed) Tams Bixby,
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902, *in the matter of the application of* Eldridge A Newton *for enrollment as* citizen *of the Cherokee Nation.*

W. W. Hastings
Attorney for Cherokee Nation.

Cherokee No. R511

FILED
APR 24 1902

ACTING CHAIRMAN

L. R. S. J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 8, 1902.

I. T. D. 2152-1902.
D. C. 5966-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Eldridge A. Newton, R 511, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

[illegible] Five Civilized Tribes
[illegible]
APR [illegible] 1950

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 661 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

FILED
APR 22 1902

Cherokee R-611

Muskogee, Indian Territory, April 27, 1908.

Thirlage A. Barton,

Tahlequah, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen if the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
TIBBY A. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. ROBERTSON.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-Ill.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Eldridge A. Newton, Cherokee No. R Ill, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Eldridge A. Newton.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 512

Cher R 512

R 512

"9"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 14, 1901.

In the matter of the application of Nancy Pogue for the enrollment of herself, husband and two children as Cherokee citizens; she being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your full name. A Nancy Pogue.
Q How old are you? A 28 years old.
Q What is your postoffice? A Muskogee.
Q In what district do you live? A I live in the Cherokee Nation.
Q You live in Canadian district? A Yes sir, Canadian district.
Q Who is it you want to have enrolled? A My two children and myself.
Q You don't apply for a husband? A I got a husband.
Q Do you want to apply for him? A I don't know.
Q Are you living with him? A Yes sir.
Q Is he a white man? A Yes sir.
Q When did you marry him? A Threeyears ago.
Q Are you a Cherokee by blood? A Yes sir.
Q Your husband is a white man? A Yes sir.
Q You have lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father. A Charley Reese.
Q Is he dead? A No sir, he's living.
Q Give me the name of your mother. A Nellie Reese.
Q Is she dead? A No sir.
Q When were you married? A I don't know just what day of the month.
Q About how long ago? A About three years, I guess.
Q Have you a certificate of your marriage? A Yes sir.
Q What is the name of your husband? A John Pogue.

The applicant presents a license issued by the Clerk of the United States Court, Northern district, Indian Territory, February 18, 1899, authorizing marriage between herself and her husband. The certificate shows they were united in marriage on the 22nd of the same month, and in the same year, by the Rev. David Shield. This is filed herewith.
Q Were you ever married except to this husband? A I was married once, and then I married this man.
Q Was your former husband dead when you married this husband? A No sir, they sent him to pen for life.
Q Did you get a divorce from him? A They divorced us when they sent him to pen for life.
Q You never went through the forms of law to get a divorce? A No sir. We were married by Cherokee law.
Q And just took back your maiden name? A Yes sir.
Q What name did you have in 1896; were you going by the name of your former husband, or by your maiden name in 1896 - four years ago? A By Reese.
Q What was the name of your first husband? A John Leaf was his father. The man I married was Jim Leaf.
Q Was he a Cherokee or white man? A Cherokee.
Q Give me the names of your children. A John Leaf, 6 years old.
Q The next child? A Jesse Pogue.
Q How old is that child? A He's two years old.
Q Both living now, are they? A Yes sir.
Q Anybody here that knows you used to be the wife of Jim Leaf? A Yes sir.
A

Witness, Nellie Reese, being sworn, testified as follows:
Q Give me your full name. A Nellie Reese.
Q How old are you? A 45 years old.
Q Are you the mother of this applicant, Nancy Pogue? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes.
Q What is your postoffice? A Muskogee.

Q Was she ever married to a man named Jim Leaf? A Yes.
Q And he is in the penitentiary now, is he? A Yes sir.
Q And since that she married a man named Pogue? A Yes.
re-direct.

1880 roll: page 45, #1160, Nancy Reese, Canadian district.
1896 roll: page 63, #1720, Nancy Reese, Canadian district.
1896 roll: page 63, #1734, John L. Reese, Canadian district.

Q You were living with your father and mother in 1867? A Yes sir; I staid with my father and mother.

Commissioner Breckinridge-

The applicant applies for the enrollment of herself, husband, and two children. She is identified on the rolls of 1880 and 1896 as a native Cherokee. Her change of name is established by the marriage license and certificate filed herewith. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. Of the two children, the first, John Leaf, is the child of a former marriage. This child is identified on the roll of 1896; he is living, and will be listed for enrollment as a Cherokee by blood. When a certificate of birth of a younger child, Jesse Pogue, is filed withthe Commission, this child will also be listed for enrollment as a Cherokee by blood.

The applicant's husband is a white man. He married his wife according to United States law in February, 1899, and it appears she didn't take legal proceedings in regard to procuring a divorce from her first husband. There is no ground, therefore, for his enrollment, and the application for his enrollment is rejected.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 14 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

JAN 14 1901

Date ..... 1900.

Name John Pogue, Muskogee, I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

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..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

Rejected

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 2 *day of* March *189*9*, at* *M., and duly recorded in Book* 9 *,*
Marriage Record, Page 441.

WITNESS my hand and seal of said Court at Muscogee, in said Territory,
this 2 *day of* March *A.D. 189*9.

Jas. A. Winston. *Clerk.*

Deputy.

RS 1 Inc R 30
"B"
FILED
MAR 2 1899
Jas. A. Winston
CLERK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 14 1901

By

ACTING CHAIRMAN.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 2 day of Mch 1899, at ..... M., and duly recorded in Book 9, Marriage Record, Page 441

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 2 day of Mch A.D. 1899.

Jas. A. Winston, Clerk.

By ..... Deputy.

R 51 recd 30
"B"
FILED
MAR 2 1899
Jas A. Winston
CLERK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 14 1901
ACTING CHAIRMAN.

MARRIAGE LICENSE

United States of America, INDIAN TERRITORY, Northern District } ss.

No. 1641

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded *to Solemnize the Rite and publish the Banns of Matrimony between Mr.* John Rogue, *of* Muscogee, *in the Indian Territory, aged* 22 *years, and Mrs.* Nancy Reece, *of* Muscogee, *in the Indian Territory, aged* 20 *years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and official seal at Muscogee, Indian Territory, this 18 *day of* February, *A.D. 1899.*

Jacquinton
Clerk of the U.S. Court.

By W Young *Deputy.*

CERTIFICATE OF MARRIAGE

United States of America, INDIAN TERRITORY, Northern District } ss.

I, David Shiew, *a Minister of the Gospel, DO HEREBY CERTIFY, that on the* 22 *day of* Feb *A.D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 22 *day of* Feb *A.D. 1899.*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B, *Page* 103.

David Shiew
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable to the assessment of One Hundred Dollars ($100.00).

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Pogue as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on January 14, 1901, Nancy Pogue appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment, among others, of her husband, John Pogue, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said John Pogue was married, under a marriage license issued by the clerk of the United States Court in the Indian Territory for the Northern District, on February 22, 1899, to Nancy Reese, a citizen by blood of the Cherokee Nation. It further appears that the said Nancy Reese was previously married to one Jim Leaf, and that the said Jim Leaf was sent to prison for life. His wife testifies that he is still living and it appears that they were never legally divorced.

Section 692, Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties or on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or other legal proceeding; . . . . ."

Section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section eleven of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;-"

An Act of the Cherokee National Council passed December 16, 1895, provides:

"That from and after the passage of this act, all intermarried who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people at Cherokee Nation, and Chapter XIII, Article XVI, Sections 426 to 429, inclusive, page 324 to 326 of the Compiled Laws of the Cherokee Nation, is hereby amended (sic) as to conform to the provisions of this Act and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares or Shawnees by blood, and all recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed."

It is, therefore, the opinion of this Commission that the application for the enrollment of John Pegue as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 5 1902

Muskogee, Indian Territory, July 19, 1902.

Hon. Tams Bixby,

Chamiqoe, Indian Territory.

Dear Sir:

In accordance with your request there is enclosed you herewith, the original testimony and decision with five carbon copies of the decision of the Commission in the case of the application of Nancy Pegue for the enrollment of herself, her husband and her two children as citizens of the Cherokee Nation.

This is forwarded in accordance with request made by telephone this date.

Yours truly,

Commissioner in Charge.

Enc Y 800

Cherokee R 512.

COPY.

Muskogee, Indian Territory, August 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nancy Pegue for the enrollment of her husband, John Pegue, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

James Bixby.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 3.

Cherokee R 512.

COPY.

Muskogee, Indian Territory, August 5, 1902.

Nancy Pogue,

Muskogee, Indian Territory.

Madam:

There is herewith transmitted a copy of the record of proceedings had in the matter of your application for the enrollment of your husband, John Pogue, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby.

Acting Chairman.

Register.

Enc. C. No. 2.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 2 516.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Nancy Pogue for the enrollment of her husband, John Pogue, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. C. No. 1.

Refer in reply to
the following:
Land
47481-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 5, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of John Pogue for enrollment as an intermarried citizen of the Cherokee Nation.

The evidence shows that applicant was married under a marriage license issued by the Clerk of the United States district court for the northern district of Indian Territory February 22, 1899 to Nancy Reese, a citizen by blood of the Cherokee Nation; that the said Nancy Reese was at the time the wife of one Jim Leaf who was serving a life term in the penitentiary.

The Commission declined to place the name of the applicant on the roll because, among other things, his marriage to Nancy Reese was null and void, she having at the time the marriage was contracted a husband living from whom she had not been divorced.

It is believed that the conclusion reached by the Commission is correct, and it is respectfully recommended that it's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-612.

Muskogee, Indian Territory, August 19,1902.

Nancy Pogue,

Muskogee, Indian Territory.

Madam:

When you applied to this Commission for the enrollment of John Pogue as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on February 22, 1899, to said John Pogue.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-30.

D. C. No. 14863-1902.

L. R. S. RAF.

ITD. 5245-1902. DEPARTMENT OF THE INTERIOR.

Washington, September 4, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of August 5, 1902, you transmitted the record and your decision of that date, in the matter of the application for enrollment of John Pogue as an intermarried citizen of the Cherokee Nation.

The evidence shows that applicant was in 1899 married to Nancy Reese, a Cherokee citizen by blood; that she was previously married to one Jim Leaf who is living and from whom she was never legally divorced. You denied the application because Nancy Reese's marriage to the applicant was void, and because it occurred subsequent to December 16, 1895. See Section 692 of the Compiled Laws of the Cherokee Nation, and Cherokee act of December 16, 1895.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of August 18, 1902, is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure. EMD.

Cherokee 2 117.

Muskogee, Indian Territory, October 9, 1908.

Nancy Pegue,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date August 5, 1908, rejecting your application for the enrollment of your husband, John Pegue, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1908.

Respectfully,

Acting Chairman.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] IN REPLY TO THE REGISTRATION
Cherokee 3 [illegible].

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 8, 1902, rejecting the application of Nancy Pegan for the enrollment of her husband, John Pegan, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,

Acting Chairman.

R 517

Department of the Interi

Indian to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, I.T.
AUG 8
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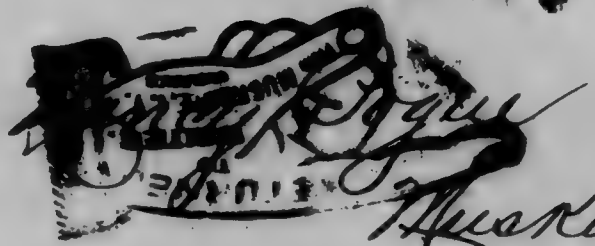

MUSKOGEE
SEP 2
1904

Muskogee

I. T.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Nancy Prague,
Muskogee
I. T.

1406

John Pogue.

RECEIVED
SEP - 4 1902

Cher R 313

Cher R 313

R 513

"9"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 19 1901

ACTING CHAIRMAN

_R_

REJECTED, as to Applicant's Wife:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. , JANUARY 14th, 1901.

In the matter of the application of John Campbell for the enrollment of himself and wife as citizens of the Cherokee Nation; said Campbell being sworn and examined by Commissioner, testified as follows: EXAMINATION BY COMMISSION:

Q What is your name? A John Campbell.
Q How old are you? A I was born in 1872.
Q What is your post office address? A Briar Town.
Q Are you a resident of the Cherokee Nation? A Yes, sir.
Q Howlong have you lived there? A I was born and raised there.
Q You have never made your home at any other place? A No, sir.
Q For whom do you make application, anyone else besides yourself? A Myself and wife.
Q What is the name of your father? A Sam.
Q Is your father living? A No, sir, he i dead.
Q Is he a Cherokee? A Yes, sir.
Q What is the name of your mother? A Polly.
Q Is your mother living? A No, sir.
Q Was she a Cherokee? A Yes, sir.
Q Howmuch Cherokee blood do you claim? A I do not know.
Q About how much? A Aboug half breed I guess.
Q Does your name appear upon the roll of 1880? A I think it does.
Q What district were you living in at that time? A Canadian.
Q In what district were you living in four years ago? A Same place.
Q What is the name of your wife? A Cora.
Q Howold is she? A 24.
Q Is your wife a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir.
Q What is the name of her father? A Henry Weaver.
Q Is her father living? A No, sir, he is dead.
Q What is the name of her mother? A I do not believe I know her mother's name.
Q Is her mother living? A No, sir.
Q When were you married? A 26th of last October.
Q Have you any evidence of your marriage? A No, sir.
Q Where were you living at the time of your marriage? A Briar Town.
Q Were you married in accordanc with the laws of the Cherokee Nation? A I was married here in Town.
Q You secured your license up here at the United States Court? A Yes, sir.
Q Have you those license with you? A No, sir, they are up here at Court.

1880 Roll; page 9, #230, John Campbell, Canadian.
1896 Roll; page 11, #348, John Campbell, Canadian.

Q Were you ever married before you married your present wife? A No, sir.
Q Was she ever married before? A No, sir.

Commission: The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation and for the enrollment of is wife as a citizen by intermarriage: He is identified upon the authenticated roll of 1880 and upon the census roll of 1896 as a native Cherokee. He has livedin the Cherokee Nation all his life and he will be listed for enrollment as a citizen by blood. He avers that he was married to his present wife on the 26th day of

Pima County--ss.

October, 1900, [illegible] satisfactory proof of [illegible] his [illegible] to [illegible] [illegible] [illegible]

451

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 14 1901
Acting Commissioner

CHEROKEES BY BLOOD AND ADOPTION.

JAN 14 1901

Date ..... 1900.

Name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Cora Campbell

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected

Evidence of marriage to be supplied

CN313

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Cora Campbell, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 513, it is entitled Cora Campbell, and is known as a Cherokee rejected application.

Respectfully,

(SIG) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 513.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 513.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Cora Campbell,

Briartown, Indian Territory.

Madam:

On the 14th day of January, 1901, your husband, John Campbell, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white person; that you were married on the 26th day of October, 1900, to your said husband, John Campbell, a citizen by blood of the Cherokee Nation. You were never previously married, and such marriage was subsequent to the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

Inclosure
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 11 1906

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 1 [illegible], *in the matter of the application of* Cora Campbell *for enrollment as* a *citizen of the Cherokee Nation.*

W. W. Hastings
Attorney for Cherokee Nation.

JCL

Cherokee No. R. 513.

FILED
APR 22 1902

L. R. S. J.P.

R.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 1902-1902.
D. C. 5987-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Cora Campbell, R 515, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1896, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.L.

FILMED
APR 21 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
R. C. 8981-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 330, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR. 1962

ACTING CHAIRMAN

Cherokee R-813.

Muskogee, Indian Territory, April 17, 1902.

Cora Campbell,

Briartown, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
MERRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-513.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Cora Campbell, Cherokee No. R. 513, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cora Campbell.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 314

Cher

R 514

"A"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 19 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 15th, 1901.

In the matter of the application of Charles H. parkhurst for enrollment as a citizen of the Cherokee Nation; said Parkhurst being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Charles H. parkhurst.
Q How old are you, Mr. Parkhurst? A 29.
Q What is your post office? A Grove.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, just yourself, or have you a family? A Just myself, my family is on the roll.
Q Do you claim as a Cherokee by blood? A White man.
Q Let me see your marriage license and certificate? A I can't show you a license, but I can show you what I have got. (Hands paper to COM'R.)

Com'r:--The applicant presents an offical copy of the records of Delaware district, showing that he, a citizen of the United States and Miss Mary Clark, a citizen of the Cherokee Nation, were joined in marriage December 26, 1895, by the Rev. W. M. Thompson. This is filed herewith.

Q Q Now, your wife, Mary Clark that was, is she a native of the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you ? A No, sir.
Q Have you lived with her ever since you married her? A Yes, sir.
Q And all the time in the Cherokee Nation? A Yes, sir.
Q Give me the name of her father? A John Clark.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Nancy.
Q Is she dead? A Yes, sir.

1880 Roll; page 79, #609; Mary Clark , Cooweescoowee.
1896 Roll; page 518, #2457, Mary Parkhurst, Delaware.
1896 Roll; page 585, #440, Charley H. Parkhurst, Delaware.

Q Did you everget out alicense? A Yes, sir.
Q What did you do with it? A I lost it and got them misplaced some way, and I sent for a copy of same here and that is what I got.
Q Did you send it to the clerk to be recorded? A The preacher he kept the license and I told him to have them recorded and the license come back to me.
Q And then you lost it? A Yes, sir.

Com'r Breckinridge:--The applicant is shown to have married his wife December 26, 1895, the official copy of the certificate of marriage is filed herewith. It does not disclose that he had a Cherokee license, but the presumption in that particular is in his favor as disclosed in the testimony and apparently the absence of better evidence at this time arises from clerkcal neglect. His wife is duly identified on the rols of 1880 and 1896 as a native Cherokee She has lived in the Cherokee Nation all her life. The applicant is a white man, but in any event his marriage having taken place after the Cherokee law of December 16, 1895, prohibiting the acquirement of citizenship by intermarriage, he is not, under said law, entitled to enrollment at this time, therefore the applicantion for his enrollment is rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic note thereof.

J. O. Rosson

[redacted]

[redacted]

[redacted]

R 514

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 15 1901

ACTING CHAIRMAN

Commission to Applicant Tribe Dawes Comm.

CHEROKEES BY BLOOD AND ADOPTION.

JAN 15 1901

Name Charles H. Parkhurst Date Grove, I.T. 1900.

District DELAWARE. Year 1896 Page 585 No. 440

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Not on the roll

On 1896 roll as Charley H. Parkhurst

N514

"Q"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 15 1901

ACTING CHAIRMAN

Delaware List

Cherokee Nation, This is to certify [illegible] ([illegible])
C. M. Markhurst, citizen of U.S. and Miss Mary C[illegible] citizen of
the Cherokee Nation were joined in [illegible] Dec. [illegible] by
the undersigned and [illegible]
clerks office in the United States Court [illegible]

W [illegible]

[illegible]

[illegible]

a true copy taken from the [illegible] Dec[illegible] Dec[illegible]
[illegible]

B. W. Alberty

D R514

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Charles H. Parkhurst, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R, five hundred and fourteen, it is entitled Charles H. Parkhurst, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(61)

CHEROKEE CASE No. 8. 516.

Commissioners:
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge,
Leander L. Bartlett,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Charles H. Northcutt,

Grove, Indian Territory.

Sir:

On the 15th day of January 1902, you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 26th day of December, 1893, ~~xxx~~, to one Mary Clark a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) T[redacted] T. B. Needles.

[redacted]n.

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902, *in the matter of the application of* Charles H Parkhurst *for enrollment as* ____ *citizen* ____ *of the Cherokee Nation.*

W. W. Hastings
Attorney for Cherokee Nation.

Cherokee No. R514

J.C.S

SUBMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
APR 24 1902

L. R. S.

F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2139-1902.
D. C. 6055-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Charles H. Parkhurst, R 514, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 24 1902

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible] of the [illegible]
[illegible]ON TO THE FIVE CIVILIZED TRIBES,

FILED
APR 24 1902

[illegible] ACTING CHAIRMAN

Cherokee R-814

Muskogee, Indian Territory, April 17, 1902.

Mr. Charles H. Parkhurst,

Grove, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-814.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Charles K. Fankhurst, Cherokee No. R 814, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Charles H. Parkhurst.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 313

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE EXECUTIVE COUNCIL
FILED
JAN 10 1967

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 15th, 1901.

In the matter of the application of Cephas J. Wells for enrollment as a citizen of the Cherokee Nation; said Wells being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Cephas J. Wells.
Q How old are you, Mr. Wells? A 36 years of age.
Q What is your post office? A Grove, Indian Territory.
Q In what district do you live? A Delaware district.
Q Who is it you want to enroll? A I just want to make application similar to the one you just had I thought I would have a record made of it.
Q You apply then only for your own enrollment? A Yes, sir.
Q Give me the name of your wife? A Lucy J. Carey.

Com'r:--The applicant presents a license issued by the Clerk of Delaware district May 12, 1897, authorizing marriage between himself and wife as stated by him, and the certificate shows that they were united in marriage in accordance with said license on the same date by the Clerk of the district. This is filed herewith.

1880 Roll; page 235, #818, Lucy Cary, Delaware.
1896 Roll; page 450, #614, Lucy J. Carey, Delaware.

Q Has your wife lived in the Cherokee Nation all her life? A Yes, sir.
Q Was she ever married except to you? A No, sir.
Q Were you ever married except to her? A No, sir.
Q Have you lived with her ever since your marriage? A Yes, sir.
Q Give me the name of her father? A Ross T. Carey.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A Nancy H. Proctor, now.
Q How old is your wife? A She will be 22 years old the 9th of March.

Com'r Breckinridge:--The applicant is shown to have married his wife in accordance with Cherokee law on May 7th, 1897. Neither was previously married. He is a white man. She is shown on the rolls of 1880 and 1896 to be a native Cherokee. She has lived in the Cherokee Nation all her life. The applicant has lived with his wife ever since their marriage but his marriage in 1897 was too late under the Cherokee law for him to be entitled to enrollment at this time, and his application for enrollment as requested, he being classed as a Cherokee by intermarriage.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

R 515

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 15 1901

ACTING CHAIRMAN.

Department of Approved Tribal Citizenship.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 15 1921

Name Ephraim J. Wells Grove, Okla. 1900.

District

Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

Licence Certificate

Wife's name

District

Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

Licence Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Re-enter Married to Dale

MARRIAGE LICENSE.

Cherokee Nation, Delaware District.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Cepas John Wells, a citizen of the United States, and Miss Lucy Jane Carey, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the 12 day of May 1897.

J. R. Hastings

SEAL. Clerk Delaware District.

Cherokee Nation
Delaware Dist.

I, J. R. Hastings Clerk of Del. Dist. hereby certify that on the 12" day of May 1897, I joined in Marriage Mr. Cepas John Wells a citizen of the U. S. and Miss Lucy Jane Carey a citizen of the Cherokee Nation, agreeably to the authority given in within License and customs and laws of the Cherokee Nation.

Given under my hand and seal of office this the 12" day of May 1897.

J. R. Hastings

SEAL. Clerk Del. Dist

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Cephas J. Wells.
R 515.

Retta Chick

A

R1515

[illegible] DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Cephas J. Wells, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and fifteen, it is entitled Cephas J. Wells, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

Form (41)

CHEROKEE CASE No. R. 218.

COMMISSIONERS:
HENRY L. DAWES,
JAMES BERRY,
THOMAS B. NEWLIN,
C. R. BROOKSHIRE,
ALFRED L. ADAMSWORTH, SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1901.

Stephen J. Wells,

Grove, Indian Territory

Sir:

On the 15th day of January, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that ....[redacted]....

married on the 12th day of May, 1897, 190...., to one Lucy J. Carey,

.....a citizen by blood of the Cherokee Nation, that you and your

wife ..... have lived together continuously since your marriage, that you are ....not....

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of.....

yourself .....as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to.....you.....as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

Inclosure.

[redacted].

Reigster.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of the decision rendered FEB 14 1902 in the matter of the application of Ephraz J Wells for enrollment as citizen of the Cherokee Nation.

Attorney for Cherokee Nation

Cherokee No. R515

L.R.S.

7.

S.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. E. 2140-1902.
E. C. 6097-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, N 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Sophia J. Wells, N 518, for enrollment as an intermarried citizen of said Nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1896, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.

L. T. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1230-1902.
D. C. 8031-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 658 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

FILED
APR 24 1902

Cherokee R-515

Muskogee, Indian Territory, April 17, 1902.

Mr. Cephas [illegible] Wells,

Grove, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-515,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Cephas J. Wells, Cherokee No. R 515, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee N. 515.

Muskogee, Indian Territory, August 18, 1902.

Cephas J. Wells,

Grove, Indian Territory.

Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application a marriage license and certificate showing your marriage on May 12, 1897, to Miss Lucy Carey.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-24.

Cephas J. Wells.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher. R 316

R 516

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 19 1901

ACTING CHAIRMAN.

REJECTED, as per Applicant's wife:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 18th, 1901.

In the matter of the application of Robert Aaron Cox for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Cox being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert Aaron Cox.
Q How old are you? A 23.
Q What is your post office? A Vinita.
Q In what district do you live? A Coweesoscowee.
Q Who is it you want to enroll? A Myself and child.
Q You have a wife? A Yes, sir.
Q You do not apply for her? A She is a white lady.
Q Are you a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A W. A.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A I do not know her initial, Nora Cox.
Q Is she alive? A No, sir.
Q Give me the name of your wife? A Amanda Cox.
Q How old is your wife? A 18.
Q What was her name when you married her? A Campbell.
Q That was her maiden name was it? A Yes, sir.
Q She was never married except to you? A No, sir.
Q Were you ever married except to her? A No, sir.
Q When were you married to her? A Two years ago, the 14th day of January.
Q Have you a certificate of your marriage? A Yes, sir.
Com'r:--The applicant presents a certificate showing that he and his wife were uni ed in marriage on January 14, 1899, by the Rev. D. O. McMurtrey. This is filed herewith.
Q Has your wife lived with you ever since you and she were married?
A Yes, sir.
Q Give me the name of your child? A Ancel.L. Cox.
Q How old is the child? A Seven weeks old.
Q Was your father a white man? A Yes, sir.
1880 Roll; page 89, #764, R. E. Cox, Coweesoscowee.
1896 Roll; page ~~XXX~~,453, #691, Robert A. Cox, Delaware.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child: He is duly identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. His wife is shown to have married him some two years ago. The marriage certificate is filed herewith. Neither was previously married. They have lived together ever since their marriage, but her marriage is too late under the Cherokee law of December 16, 1896 to entitle her to enrollment; therefore, the application for her enrollment is rejected, she being classed as a Cherokee by adoption. When a proper certificate of the birth of the child, Ancel L., is filed, this child also will be listed for enrollment as a Cherokee by blood.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
J O Rosson
Subscribed and sworn to before me this 17th day of January, 1901.

Commissioner.

R516

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 15 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Other Cases.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 15 1901 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Amanda Cox

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected
Married before

R-616.

This Certifies That

R. A. Cox of [illegible] State of [illegible] Territory and Amanda Campbell of Richville State of Mo.

WERE MARRIED IN

Holy Matrimony

At Richville on the fourteenth day of January A. D. 1899, by authority of M'S License bearing date the 12 day of January A. D. 1899, and is issued by the Recorder of Deeds of Howell County, Missouri.

Witness my signature.

(Signed) D. O. McMurtrey.

Witnesses.

_____

_____

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 9, 1902.

I, the undersigned as stenographer to the above named Commission do hereby swear that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of R. A. Cox as a citizen of the Cherokee Nation.

Frances S. Bitzfeld

10 0316

[illegible] to the [illegible]

FILED

MAR 4 1962

[illegible]

COPY.

Washington, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Choctaw citizen of Annie Cox, refused by the Commission under the provisions of the act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. Five hundred and sixteen, it is entitled Annie Cox, and is known as a Choctaw rejected application.

Respectfully,

(Signed) T. B. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(0097)

(61)

Commission order No. 6 ... 624.

Commissioners:

Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Alexander L. Shoenfeldt,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 24, 1902.

Annie Gay,

Tahlequah, Indian Territory.

Madam:

On the 28th day of January, 1902,

your husband, Robert Aaron Gay,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 14th day of January, 1899, 1900, to one Robert Aaron Cox, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted] Chairman.

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Amanda Cox *for enrollment as* citizen *of the Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No. R 516.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED

APR 24 1902

ACTING CHAIRMAN

L. R. S. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1910-1902.
D. C. 6022-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Amanda Cox, R 516, for enrollment as an intermarried citizen of the said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible]
[illegible]
APR [illegible] 1962

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 1902

ACTING CHAIRMAN

Cherokee R-516.

Muskogee, Indian Territory, April 17, 1902.

Amanda Cox,

Vinita, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-516.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Amanda Cox, Cherokee No. R 516, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-516

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 12, 1902.

Robert Aaron Cox,

Vinita, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of your wife Amanda Cox as a citizen of the Cherokee Nation, you filed with that application a certificate showing your marriage on January 12, 1899, to Amanda Campbeelle.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-2.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

VINITA, I.T.
FEB 24
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REGISTERED
FEB 22
1902
MUSKOGEE, IND. TER.

220/218

~~Amanda Cox,~~
Vinita,
~~Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

[illegible]

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[illegible]

[illegible]

[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED. APR 25 1902 MUSKOGEE

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REGISTERED
JUN 4 1902
Vinita, Ind. Ter.

Amanda Writer.
Returned.
UNCLAIMED.
Postmaster.
UNCLAIMED.

Amanda Cox.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 317

Cher R 317

R 517

"Q"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 21 1901

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 17, 1901.

In the matter of the application of August Ropple for enrollment as a Cherokee citizen; he being sworn, and examined by the Commission, testified as follows:

Q What is your name? A August Ropple.
Q How old are you? A About 37.
Q What is your postoffice address? A Muskogee.
Q Do you apply for anyone besides yourself? A No, myself.
Q Are you a Cherokee or a white man? A I am a white man.
Q How long have you lived in the Cherokee Nation? A I was married in 1886.
Q Been living here since that time? A Yes sir.
Q What is the name of your wife? A Ella Bibles.
Q Is she living? A Yes sir.
Q How old is she? A She's about 35.
Q Were you married to her in 1886? A Yes sir, in Canadian district.
Q Have you any evidence of your marriage? A There is a copy of my original license before the Commission.
Q Is your wife a Cherokee? A Yes sir.
Q Did you ever apply to the Commission in 1896 for enrollment? A Yes sir.
Q What did they do with your application? A I had a lawyer attend to that; he said it was accepted. Dawes was the lawyer that had my license.
Q How long did you live with your wife? A Something like six years.
Q You are not living with her now? A No sir, she run off with a Choctaw fellow.
Q Were you ever divorced from her? A Yes sir.
Q When were you divorced? A About two years after she quit me. I went to Webbers Falls and applied for a divorce, and they granted me the divorce and granted me the custody of the children, but I never got the children; they caused a great deal of trouble, so I thought I better let the children all with their mother. Judge Lowry married me.
Q Where were you living at the time of your marriage? A On Moody's Creek in the Cherokee Nation, about five miles east of here.
Q Have you ever remarried since you were divorced from your first wife? A Yes sir.
Q What is the name of your present wife? A Pinkie Human.
Q She a white woman or Cherokee? A White woman.
Q When were you married to her? A Will be three years this coming spring.
1880 roll; page 64, #147, Ellen Bible, Cooweescoowee district.
Q Who is Ellen Bibles living with now? A A man by the name of Mayes, a Choctaw; he died, and she has married since then.
Q Did she have a child named Jeff? A She had a child by Mayes; I think his name was that.
1896 roll; page 211, #5158, Ella Mayes, Cooweescoowee district.

By the Commission-
The applicant applies for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. He avers that he was married in the year 1886 to one Ellen Bibles. Said Ellen Bibles is identified upon the authenticated roll of 1880 and the census roll of 1896 as a native Cherokee. The applicant does not produce any satisfactory proof as to his marriage in accordance with the laws and customs of the Cherokee Nation to his former wife, Ellen Bibles. He lived with her about six years, and was then granted a divorce by the tribal court of the Cherokee Nation.

E. 1.2.

He avers that a certified copy of his marriage license was filed with this Commission, but no record of the same can be found. About three years ago, he was married to one Pinkie Ruman, a white woman. His application, therefore, comes under the provisions of Section 666 - 667 of the Compiled Laws of the Cherokee Nation for the year 1893. The application, which he makes in his own behalf, for enrollment as a citizen of the Cherokee Nation, is therefore rejected. It will however, be necessary for him to file with the Commission either his original marriage license and certificate or a certified copy thereof.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notesin said case.

E. C. Rothenberger

Subscribed and sworn to before me this 18th day of January, 1901.

Commissioner.

R5117

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

JAN 17 1901

Date ..... 1900.

Name August Epple Muskogee I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

Divorce ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

Divorce ..... Certificate .....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected Intermarriage

Original Marriage license or certified copy thereof required

FILED
MAY 23 1902

Exp 105

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of August Hyde for enrollment as a Cherokee citizen.

Supplemental Statement.

The Cherokee tribal rolls in the possession of this Commission have been examined for the name of August Hyde, and it cannot be found thereon.

The records of this Commission have been carefully examined for the marriage license stated by this applicant to be in the possession of this Commission and the same cannot be found.

It is directed that copies of this statement be filed with the testimony in the above case.

C. R. Breedlove,
Commissioner.

Dated at Muskogee, Indian Ter.
this seventh day of March, 1908.

R 517

aut

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the application of August Epple for enrollment as a Cherokee citizen.

D E C I S I O N.

It appears from the record in this case that on the 17th day of January, 1901, August Epple appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. It appears from the evidence that he is a white man, and that he claims to have been married in 1886 to Nila Bibles, who is identified on the 1880 roll as Nilen Bible, a citizen by blood of the Cherokee Nation. It further appears that the applicant was divorced from his said wife in 1896 and that since such divorce he has married Pinkie Bunn, a white woman, with whom he is now living.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 496)

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

Section 666: "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It would appear that the object and purpose of the foregoing law is to withdraw the rights of citizenship from an intermarried white person who should at any time enter into the marriage relations with another white person. Under this view of the law a white man divorced from his Cherokee wife must be considered to occupy the same position as the widower of a Cherokee wife, and if he should afterwards marry a white woman he would thereby forfeit all such rights as he may have acquired by his former marriage. It is considered therefore that the applicant by his marriage to Pinkie Hunnn, a white woman, subsequent to the divorce from his Cherokee wife has forfeited his rights of citizenship acquired by virtue of his former marriage, and is not at this time embraced in that class of persons described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case it is the opinion of this Commission that the application of August Epple for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is therefore so ordered.

C. R. Breckinridge

Commissioners.

Dated at Muskogee, Indian Territory

this 14 day of February 1902.

COPY

Cherokee R 517.

Muskogee, Indian Territory, September 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of August Epple for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated February 14, 1902, rejecting said application.

Respectfully,

Tams Bixby,
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 49.

COMMISSIONERS:
Henry L. Dawes
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Alexander L. Sutherland,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R 517.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 14, 1902, rejecting the application of August Apple for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 48.

COPY

Cherokee 2 [illegible]

Muskogee, Indian Territory, [illegible]

August Apple,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 14, 1902, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Acting Chairman.

Enc. C. No. 47.

Register.

Refer in reply
to the following:
Land
57701-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 7, 1902.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of August Epple for enrollment as an intermarried citizen of the Cherokee Nation.

The record shows that applicant was married in 1886 to Ellen Bible or Bibles, a citizen of the Cherokee Nation. It is shown that he was divorced and married Pinkie Human, a white woman.

The Commission declined to enroll the applicant because of his second marriage to a white woman.

The office believes the Commission's action was correct and respectfully recommends that its decision be affirmed.

Very respectfully,
Your obedient servant,
A. C. Tonner,
Acting Commissioner.

WCV
3 inclosures.

D. C. No.19763-1902.

Department of the Interior, RAF.

Washington, October 22, 1902.

ITD.6148-1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 7, 1902, the Acting Commissioner of Indian Affairs forwarded your letter of September 22, and accompanying record in matter of the application of August Epple for enrollment as an intermarried citizen of the Cherokee Nation, and recommended that your decision of February 14, 1902, be approved.

The evidence shows that applicant in 1896 was married to Ella Bibles, a Cherokee by blood, from whom he was divorced in 1894; that since such divorce he has married a white woman. Section 666 of the compiled laws of the Cherokee Nation declares:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

You therefore denied the application, holding that by his marriage to his white wife he forfeited his rights of Cherokee citizenship which he acquired by virtue of his former marriage.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

EMB.

1 inclosure.

COPY.

Cherokee R 517.

Muskogee, Indian Territory, November 11, 1908.

August Hyde,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date February 24, 1908, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1908.

Respectfully,

Tams Bixby

Acting Chairman.

COMMISSIONERS
ROBERT L. DUNCAN,
TAMS BIXBY,
THOMAS B. MCBRIDE,
C. R. ROBERTSON.

ALFRED L. ALDERDICE,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE REFER TO THIS FOLLOWING

Cherokee 2 267.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date February 14, 1902, rejecting the application of August Ziggie for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Acting Chairman.

August Epple.

OCT 22 1902

Cher R 318

R 518

"A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 21 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 17th, 1901.

IN THE MATTER OF THE APPLICATION OF John T. Petty for the enrollment of himself, wife and child as citizens of the Cherokee nation, and said Petty, appearing before the Commission and being sworn and examined testified as follows:

Q What is your name? A John T. Petty.
Q How old are you? A Twenty eight.
Q What is your Postoffice address? A Bennett.
Q Do you apply for the enrollment of any one besides yourself?
A Myself, my child and my wife.
Q Are you living in the Cherokee nation? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A One eighth.
Q What district are you living in? A Canadian.
Q How long have you lived in the Cherokee nation?
A Born and raised here.
Q Have you been outside of the Cherokee nation for any purpose within the past three years? A No sir.
Q What is the name of your father? A John W. Petty.
Q Is he living? A Yes sir.
Q Was your father a Cherokee? A No sir.
Q What is the name of your mother? A Rachel.
Q Is she living? A No sir.
Q Was your mother a Cherokee? A Yes sir.
Q What is the name of your wife? A Emily Ann.
Q Is she living? A Yes sir.
Q How old is she? A Eighteen.
Q Is she a Cherokee or white woman? A She claims to be a Cherokee.
Q Has she ever been recognized as a Cherokee citizen? A No sir.
Q What is the name of her father? A Sam Brown.
Q Is he living? A No sir.
Q What's the name of her mother? A Mary Jane.
Q Is her mother living? A Yes sir.
Q What is the name of your child? A George W.
Q How old is the child? A About two years old the first day of March.
Q This child is alive and living with you at this time? A Yes sir.
Q Your present wife, Emily Ann Petty, is the mother of the child?
A Yes sir.
Q When were you married to her? A I was married to her -- I can not tell the exact date without some papers -- the 21st day of September, 1897.
Q Have you any evidence of your marriage? A No sir, not with me.
Q Have you a license at home? A No sir, I have a certificate from the man that married me, with me.

COMMISSION: The applicant presents a certificate from W. J. Hill, Minister of the Gospel, certifying that he solemnized the rights of matrimony between J. T. Petty and Emily A. Brown, on the 21st day of September, 1897. The certificate is filed herewith.

Q Were you ever married before you married this woman?
A Yes sir.
Q What is the name of your first wife? A Her name was Edith B. Brannon before we married.
Q Is she living or dead? A She's dead.
Q When were you married to her? A I disremember the date.
Q About when? A About seven or eight years ago.
Q How long did you live with her? A I lived with her six weeks.
Q Were you divorced from her? A No sir.
Q Has she ever been divorced from you? A I married and so did she.
Q Did you Neither of you ever secured a divorce? A I sued for divorce - Mr. Boudinot was my lawyer, and he told me I did not need a divorce.

Q So, the suit was withdrawn, was it? A Yes sir.

By Mr. V. W. Hastings, Cherokee Representative:
Q Did she apply to the Dawes Commission, and was she admitted as an adopted citizen? A Yes sir.

COMMISSION:
Q Does your name appear upon the authenticated roll of 1880?
A It ought to.
Q Where were you living at that time? A Tahlequah.
Q In Canadian District? A Yes sir.
Q Were you living there in 1896? A No sir.
Q Where were you living then? A Where I am living now.
Q Did your wife ever apply to the Dawes Commission for enrollment as a citizen of the Cherokee Nation? A I suppose she did.
Q I mean your present wife? A No sir.
Q Did she ever apply to the Cherokee National Council, she or her parents? A Her parents has.
Q Were they admitted to citizenship? A No sir, they were not admitted.
Q They were denied? A Yes sir.
Q And your wife has never been recognized as a citizen of the Cherokee Nation? A No sir.

(1880 Roll, Page 38, #1874, W. T. Petty, Canadian District)
(1896 Roll, Page 87, #1889, John T. Petty, Canadian District)

Q You now say you were married three times? A yes sir.
Q What is the name of your second wife? A Annie E. Alberty.
Q Was she a Cherokee or white woman? A White woman.
Q When were you married to her? A I disremember the exact date.
Q About how long ago? A About five years ago.
Q How long did you live with her? A About five months.
Q Were you ever divorced from her? A No sir, she died.
Q You lived with her up to the time of her death? A Yes sir.

Commission: The applicant applies for the enrollment of himself and one child as citizens by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage of the Cherokee Nation: He is identified upon the authenticated roll of 1880 and upon the census roll of 1896 as a native Cherokee: He has lived in the Cherokee Nation all his life, and will be listed for enrollment as a citizen by blood.

As to the application he makes on behalf of his wife; he avers that he was married seven or eight years ago to one, Edith E. Brannon, a white woman; that he lived with her about six weeks: He avers that he was never lawfully divorced from his former wife: He also states that he was married to one, Annie E. Alberty, a white woman about five years ago, and that he lived with her up to the time of her death. On the 21st of September, 1897, he was married to his present wife, Emily Ann Petty, without having secured a divorce from his first wife: By his last marriage, he has one child, George W. Petty: He avers also that the parents of his wife applied fo the Cherokee national authorities for enrollment as citizens of the Cherokee Nation, but that their application was denied, and that she has never been recognized as a citizen of the Cherokee nation. Her marriage in September, 1897 was too late for her to acquire a property right in the Cherokee Nation: Therefore, the application which is made in her behalf for enrollment as a citizen by intermarriage of the Cherokee Nation is REJECTED.

As to the application he makes on behalf of his child, the mother of this child is a white woman: The father of the child was previously married to one, Edith E. Brannon, but never divorced from her. For this reason, the child George W. Petty, his child by this third wife, to whom he was married in 1897, will be listed for enrollment

as a citizen by blood, when he files with the Commission satisfactory proof as to the birth of this child, upon what is known as a doubtful card. When final judgment is rendered in the matter of the application he makes in behalf of his child, George W. Petty, the applicant will be notified in writing at his present Postoffice address.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Brannell

Subscribed and sworn to before me this 18th day of January, 1901.

W. A. Tiffany

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 17 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 17 1901 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Emily A. Petty

District Year Page No.

Citizen by blood Mother's citizenship Parents } Sam Brown dead

Intermarried citizen Mary " Living

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

See D card No 765

R-318.

This is to certify [illegible] to the Cherokee law, [illegible] J. Petty of Bennet and Emily A. Bryan [illegible] 1897.

Witness my hand [illegible] of August [illegible].

(Signed) Wm J. Hill,
Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 9, 1 02.

I, the undersigned as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of J. T. Petty as a citizen of the Cherokee Nation.

Stenographer.

R-518.

This is to certify that I, Wm J. Hill did according to the Cherokee law, solemnize the rites of matrimony between J. T. Poty of Bennet and Emily A. Brown of Gowanville on the 21 day of September, 1897.

Witness my hand this [illegible] day of August 1902.

(Signed) Wm J. Hill,
Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 9, 1902.

I, the undersigned as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of J. T. Poty as a citizen of the Cherokee Nation.

Frances S. Bäteffel

20 (23)

Transcript to the Five Circuit
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Emily A. Petty, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 518, it is entitled Emily A. Petty, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 518.

(Copy)

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. ADDOLDS,
C. R. BRECKINRIDGE.

ALBERT L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 818.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Emily A. Petty,

Bedmott, Indian Territory.

Madam:

On the 17th day of January, 1901, your husband, John T. Petty, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 21st day of September, 1897, to John T. Petty, your said husband, a citizen by blood of the Cherokee Nation. It appears that your said husband had been married twice previous to his marriage to you and that both of his former wives are dead, one of them died two years prior to your marriage, but it does not appear when the other wife died. Assuming, however, that she was dead at the time of your marriage to your husband and that such marriage was legal, it was contracted too late to acquire the right of enrollment by virtue thereof, as it took place subsequent to the enactment of the foregoing Cherokee law, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Commissioner in Charge.

Registar.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 14 1902

Muskogee, Indian Territory.

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902, *in the matter of the application of* Emily A. Petty *for enrollment as* a *citizen of the Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 518.

FILED
APR 21 1902

L. R. S. F. J.F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I. T. D. 2141-1902.
D. S. 6022-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, N 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Emily A. Petty, N 518, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.J.C.

RECEIVED
APR 1 1 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1850-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 665 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-518

Muskogee, Indian Territory, April 17, 1902.

Emily A. Betty,

Bennett, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-518.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Emily A. Petty, Cherokee No. R 518, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-518

Muskogee, Indian Territory, August 12, 1902.

John T. Petty,

Bennett, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Emily A. Petty as a citizen of the Cherokee Nation, you filed with that application marriage certificate showing your marriage on September 21, 1897, to Emily A. Brown.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-3.

Milly A. Petty.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

A[illegible] 1902

Cher R 519

Cher R 519

R 519

"9"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 21 1901

ACTING CHAIRMAN.

REJECTED.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 17th, 1901.

IN THE MATTER OF THE APPLICATION OF Susie H. Sarcoxie for enrollment as a citizen of the Cherokee nation by ~~Delaware~~ - intermarried Delaware - and the said Susie H. Sarcoxie, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Susie H. Sarcoxie.
Q How old are you? A Twenty six.
Q What is yo ur Post Office? A Bartlesville, x.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll; just yourself?
A Yes sir.
Q No one else? A No sir.
Q Are you a Cherokee by blood? A No sir.
Q Intermarried? A Yes sir.
Q When were you married? A January 5th, 1896.
Q You were married after the Cherokee law of December 16th, 1895: That is the Cherokee law entitling you to enrollment: I can go on ~~with your~~ however and complete your enrollment, but I have no power to enroll you: TO whom were you married? A Henry B. Sarcoxie.
Q Is he dead? A Yes sir.
Q Was he a Cherokee by blood? A No sir, he was a Delaware.
Q He was a Cherokee Delaware? A Yes sir.
Q When did he die? A December 6th.
Q Of last year? A Yes sir.
Q Have you a certificate of your marrige to him? A Yes sir.
Q Where is it? A (Produces papers)
Q What was your maiden name? A Sowder.

Com'r. C. R. Breckinridge: Applicant presents a certificate, showing that she and her husband were married as stated by her on the 5th of January, 1896, said certificate being signed by John Sarcoxie, Bartlesville, I. T., with two witnesses: It does not state in what official capacity Mr. John Sarcoxie acted. (This is filed herewith)
Q Was he a clergyman? A Yes sir.
Q Did your husband live in the Cherokee Nation all his life?
A Only when he was out sick: He went to New Mexico two different times for his health.
Q How old was your husband when he died? A He was thirty last March.
Q How long did he stay in New Mexico the first time?
A He stayed a little over a month.
Q And how long did he stay the second time? A We got there on the 9th of July and returned here the 15th of November; started home then.
Q About four months? A Yes sir.
Q These were simply visits for his health? A Yes sir.
Q When did he come back from New Mexico the last time?
A Last November.
Q He was just there a short time for his health?
A Yes sir.
Q Came back last November and died last December? A Yes sir.
Q Die ~~with~~ of lung trouble? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q Were you ever married before you married him? A No sir.
Q Did you and he live together from the time you married uhtil he died? A Yes sir.
Q What is the name of your husband's father? A Wilson Sarcoxie.
Q Is he dead? A Yes sir.
Q Give me the name of your husband's mother? A Her name is Brown now.
Q Her full name? A Mary Brown I think.
Q She's living? A Yes sir.
Q Was your husband's father a minister? A I think not: His grand father's name was John Sarcoxie.

Q But Wilson Sarcoxie, was he a clergyman? A I think not.
Q Was your husband's father living twenty years ago?
A I can not say.
Q What was his grand mother's name, do you know?
A I do not know.

(1880 Roll, Page 194, #2632, Henry Sarcoxey, Ceweesecowee District)
(1896 Roll, Page 323, #844, Henry Sarcoxie, Ceweesecowee District)
(1896 Roll, Page 324, #944, Susie Sarcoxie, Ceweesecowee District)

Com'r. C. R. Breckinridge: The applicant is identified on the roll of 1896 as an adopted white: Her deceased husband is identified on the rolls of 1880 and 1896 as a Cherokee Delaware: He lived in the Cherokee Nation all his life: Neither he or the applicant was previously married: She shows by certificate filed herewith that she and her husband were lawfully married on January 5th, 1896: This is too late under Cherokee law of December 16th, 1895 to entitle the applicant to enrollment at this time: Therefore, the application for her enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Snawden

Subscribed and sworn to before me this 18th day of January, 1901.

COMMISSIONER.

R 519

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 17 1901

ACTING CHAIRMAN

Department of Authority Taken Under Oath. COOWEESCOOWEE.

CHEROKEES BY BLOOD AND ADOPTION

JAN 17 1901

Date ..... 1900.

Name Susie N. Darcoxie Bartlesville I.T.

District COOWEESCOOWEE Year 1896 Page 324 No. 964

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected marriage late

On 1896 roll as Susie Darcoxie

FILED
AUG 9 1902

ACTING CHAIRMAN

R-519.

What, therefore, God
hath joined
together
LET NOT MAN
PUT ASUNDER

This Certifies

That Henry Sarcoxie
of Bartlesville,
Ind Territory

(AND)

Miss Susie Sowder
of Bartlesville,
Indian Territory

WERE UNITED IN
MARRIAGE

By me according to the ordinance of God and the laws of Cherokee Nation, I. T. at Silver Lake on the Fifth day of January, in the year of OUR LORD One Thousand Eight Hundred and Ninety six.

Witnesses.
Mary Sarcoxie
Jefferson Sarcoxie.
John Sarcoxie
of Bartlesville, I. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. August 8, 1902.

I the undersigned, a stenographer to the above named Commission, do hereby certify that the above and foregoing copy is a true and corr-

R-519.

What, therefore, God

hath joined together
LET NOT MAN PUT ASUNDER

This Certifies

That Henry Sarcoxie of Bartlesville, Ind Territory (AND) Miss Susie Sowder of Bartlesville, Indian Territory

WERE UNITED IN MARRIAGE

By me according to the ordinance of God and the laws of Cherokee Nation, I. T. at Silver Lake on the Fifth day of January, in the year of OUR LORD One Thousand Eight Hundred and ninety six.

Witnesses.
Jefferson Sarcoxie.
Mary Sarcoxie

John Sarcoxie
of Bartlesville, I. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/
Muskogee, I. T. August 8, 1902.

I the undersigned, a stenographer to the above named Commission, do hereby certify that the above and foregoing copy is a true and correct copy of the original offeredin evidence in the matter of the application for enrollment of Henry Sarcoxie as a citizen of the Cherokee Nation.

Frances S. Patterson

LD CR519

COMMISSION TO THE TIVE CIVIL
FILED
MAR 4 1902
ACTING SECRETARY

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Susie H. Sarcoxie, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and nineteen, it is entitled Susie H. Sarcoxie, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

ae.5

(COPY)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 519.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Susie H. Sarcoxie,

Bartlesville, Indian Territory.

Madam:

On the 17th day of January, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rightsof property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed."

It appears from the testimony in this case that you were married on the 5th day of January, 1896, to Henry B. Sarcoxie, a citizen by blood of the Cherokee Nation. You testify that your said husband died in December, 1900, and that you have not been married since. You are identified upon the Cherokee census roll of 1896,

but your said marriage to Henry B. Sarsexie, upon which you base your application for enrollment, was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes one copy of the Commission's letter of interpretation of the decision rendered FEB 14 1902 in the matter of the application of Susie H Sanders for enrollment as citizen of the Cherokee Nation.

Attorney for Cherokee Nation

Cherokee No. R-19.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. R. 2148-1902.
D. C. 6024-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Stacie M. Sarcoxie, R 519, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1893, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1820-1902.
D. C. 5951-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of P. 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 1962

ACTING CHAIRMAN

Cherokee R-619.

Muskogee, Indian Territory, April 17, 1902.

Susie H. Sarcoxie,

Bartlesville, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BREARINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-519,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Susie H. Sarcoxie, Cherokee No. R 519, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee B-519

Muskogee, Indian Territory, August 12, 1902.

Susie M. Sarcoxie,

Bartlesville, Indian Territory,

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation you filed with your application marriage license and certificate, showing your marriage on January 5, 1896, to Henry Sarcoxie.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-12.

Susie H. Sarcoxie.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 520

R 520

"Q"

DEPARTMENT OF [illegible]
COMMISSION TO THE [illegible]
[illegible]
SEP [illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T., September 17th, 1900.

IN THE MATTER OF THE APPLICATION OF BENJAMIN F. ARMSTRONG FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said Benjamin F. Armstrong, being duly sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Benjamin F. Armstrong.
Q How old are you? A Thirty-six.
Q What is your post office? A Grove, I.T.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A My wife, myself and baby.
Q Do you apply for yourself as a Cherokee by blood? A No, sir; by adoption.
Q Do you apply for your wife as a Cherokee by blood? A Yes, sir.
Q Have you a marriage license and certificate? A Yes, sir.

THE COMMISSIONER: The applicant presents a duly authenticated Cherokee license and marriage certificate. The license issued by the Clerk of Delaware District and dated March 20th 1896, authorizing his marriage to Miss Flora Lundy. The certificate shows that they were united in marriage on the 24th day of March, 1896, by the Rev. W. F. Scraggs. These documents are filed herewith.

Q Give your wife's present name, please. A Flora L. Armstrong.
Q How old is your wife now? A I believe she is twenty-three or twenty-four.
Q She is on the eighty roll as Lundy, is she? A Yes, sir.
Q And on the 1896 roll under your name? A Yes, sir.
Q Was she in the Delaware District in 1880 and 1896? A Yes, sir.
Q Is she a native of the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir; she was born here.
Q What is your child's name? A Carroll McTingley.
Q How old is the child? A He lacks a little of being three years old.

1880 Roll, page 279, No. 1591, Flora L. Lundy, Delaware District.

1896 Roll page 613, No. 1, Flora B. Armstrong, Delaware District.

1896 Roll, page 384, No. 6, Ben Franklin Armstrong, Delaware District.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and one child. His wife is identified on the rolls of 1880 and 1896 as an adopted Delaware. Her name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood. The applicant is shown to have been married to his wife in 1896; is identified on the roll of 1896; his marriage is too late under the Cherokee law to enable him to acquire the rights of Cherokee citizenship, and the application for his enrollment at this time is rejected.

The child, Carroll W., is not found to be upon any roll. When the Commission is supplied with a proper certificate of the birth of this child, it also will be enrolled as a Cherokee citizen by blood.

Applicant excused.

The undersigned being duly sworn states that as stenographer to the commission to the Five Civilized Tribes he correctly records the testimony and other proceedings in this application, and that the foregoing is a correct and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 26th day of September A. D. 1900.

Commissioner

R 520

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 17 1900

"B"

DELAWARE.

Enrollment of Applicant Taken Under Act.

CHEROKEES BY BLOOD AND ADOPTION.

33

Date SEP 17 1909 1909.

Name Benjamin F. Armstrong Jr.

District DELAWARE. Year 1896 Page 564 No. 6

Citizen by blood Yes. Mother's citizenship

Intermarried citizen Yes. Parents

Married under what law Cherokee Date of marriage 1896

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

*/ On 1896, roll as Ben Frank Armstrong

Delaware
R1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 19 1900

ACTING CHAIRMAN

R 520

"E"

Grove Okla Sep 29-1900

Hon. T. B. Needles

Lincoln Nebr

Dear Sir

I am well pleased with your work I am not satisfied with the Choctaw law for I claim that act in my case is ex post facto law for it was passed in June after I was married in March I claim my citizenship on the Doctrine I made to Sec and have found the government to date any one who had their Naturalization papers I think you will find this Doctrine with Oath of Allegiance I think that my child but will should be on the roll I am sincerely satisfied and will be contented with your decision

Most truly your Obedient Servant

B. F. Armstrong

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 9 1902

ACTING CHAIRMAN

MARRIAGE LICENSE.

R-820

CHEROKEE NATION, Delaware District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. B. F. Armstrong, a citizen of the United States, and M Lee Flora Lundy a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 20 day of March 1896.

(Signed) J. R. Hastings
Clerk Delaware District

By virtue of a License from the Clerk of the Delaware District Cherokee Nation, I did on the 22nd day of March, 1896, celebrate the rites of matrimony between Mr. B. F. Armstrong, citizen of the United States and Miss Flora Lundy, a citizen of the Cherokee Nation.
Given under my hand this the 24th day of March, 1896.
Rev. M. B. Scruggs, Pastor.
, of M. E. Church South, at Afton Indian Territory Mission Conference.
Recorded this 6 day of April, 1896.
(Signed) J. R. Hastings.
(SEAL) Clerk Delaware Dist.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 8 1902

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of B. F. Armstrong as citizen of the Cherokee Nation.

Frances S. Wolfe
Commissioner.

R530

Commission To The Five Civilized Tribes

FILED

MAR 4 1902

Acting Commission

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Benjamin F. Armstrong, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and twenty, it is entitled Benjamin F. Armstrong, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.
~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS
MERRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREARINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 520.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1908.

Mr. Benjamin F. Armstrong,

Grove, Indian Territory.

Sir:

On the 17th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation/

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 24th day of March, 1896, to Flora Lundy, a citizen by blood of the Cherokee Nation. You are identified on the Cherokee census roll of 1896, but your marriage was contracted subsequent to the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902, *in the matter of the application of* Benjamin F Armstrong *for enrollment as* ___ *citizen* ___ *of the Cherokee Nation.*

Cherokee No. R 520

Attorney for Cherokee Nation.

FILED
APR 24 1902

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2143-1902.
D. C. 6280-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Benjamin F. Armstrong, R 520, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan
Acting Secretary.
D.L.

APR 1962

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1880-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

FILED
APR 22 1902

Cherokee R-110

Muskogee, Indian Territory, April 27, 1908.

Benjamin F. Armstrong,

Grove, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBECK.

ALECK L. ALDERSMITH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-B-[illegible].

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Benjamin F. Armstrong Cherokee No. B [illegible], for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-520

Muskogee, Indian Territory, August 12, 1902.

Benjamin F. Armstrong,

Grove, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation you filed with your application marriage license and certificate showing your marriage on March 24, 1896, to Miss Flora Armstrong.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-13.

COPY.

Cherokee R-520.

Muskogee, Indian Territory, March 31, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 28, 1905, asking to be advised as to the status of Cherokee Enrollment case R 520.

In reply you are advised that the Commission's decision dated February 14, 1902, rejecting the application for the enrollment of Benjamin F. Armstrong, Cherokee R 520, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 3, 1902.

Respectfully,

SIGN: Tams Bixby.
Chairman.

Benjamin F. Armstrong.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 521

Cher R 521

R 521

"9"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 17 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 10, 1900.

In the matter of the application of Samuel Saladen Foreman for the enrollment of himself and child as Cherokees by blood, and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Samuel Saladen Foreman.
Q How old are you? A 28 years old.
Q What is your post office address? A Brent.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q For whom do you apply for enrollment? A Just myself and wife and one child.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Always.
Q Never lived outside the Cherokee Nation? A No, sir.
Q What is the name of your father? A Charlie Foreman.
Q Is he living? A No, sir.
Q What is the name of your mother? A Sarah Foreman.
Q Is she living? A Yes, sir.
Q Is she a Cherokee citizen? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Ada Foreman.
Q When were you married to her? A I can't tell you exactly.
Q What was her name before you married her? A Jackson.
Q Was she a citizen by blood? A No, sir, a white woman.
Q Have you a certificate of marriage? A Yes, sir, but it isn't here.
Q Do you recollect what year you were married in? A No, sir, I don't.
Q About what year? A About 3 years ago.
Q Were you married after 1895? A I don't know, I can't say, the certificate tells, and I have sent after it.
Q What is your wife's father's name? A B. Jackson.
Q What is her mother's name? A Minerva.
Q They are non citizens? A Yes, sir.
Q Have you any children under 21 years of age? A Yes, sir.
Q Living with you at home? A Yes, sir.
Q What are their names? A Rufus Lafayette, two years old.
Q What is the name of the next one? A That is all.
Q Have you got any proof of birth as to this one? A Yes, sir.
Q Got it with you? A No, sir.
Q Is your wife here? A Yes, sir.
Q How long were you married before your child was born? A I can't tell that.
Q Have no idea? A No, sir.
Q It might have been five years? A Yes, sir.
(Samuel Saladen Foreman on 1880 roll, page 695, No. 475, Sequoyah district, Samuel Saladen Foreman. On 1896 roll, page 1066, No. 400, Samuel S. Foreman, Sequoyah district. On 1894 roll, page 593, No. 488, Slayton S. Foreman, Sequoyah district.)
Q Your wife and you are living together? A Yes, sir.
Q Have been since your marriage? A Yes, sir.

The name of Samuel Saladen Foreman appearing upon the authenticated roll of 1880, as well as the census roll of 1896 and the payroll of 1894, and he being fully identified by and satisfactory proof being made as to his residence, he will be duly enlisted for enrollment by this Commission as a Cherokee citizen by blood. He avers that he was married to his wife, Ada Foreman, who was a white woman, but does not know the date of his marriage, nor does he produce a marriage certificate, and avers that he has a child [illegible]

by the said wife, and children said, whose name does not appear upon any of the rolls of the Cherokee Nation, he having been since said rolls were compiled. Judgment as to the admission of his wife and child will be suspended because of the fact that no marriage certificate or proof of marriage is presented. Upon the filing of the proper certificate of marriage showing that he was married legally under the Cherokee statutes, his wife will be listed for enrollment as a Cherokee citizen by intermarriage, and his child will be enrolled as a Cherokee citizen by blood upon the filing of the proper proof of its birth.

Note: Upon examination of the records that have been presented of marriages, Sequoyah district, it is found that the said applicant was married to his said wife on the 17th day of January, 1897, which being after the passage of the law by the Cherokee Nation prohibiting the acquirement of intermarried citizenship after December 16, 1895, consequently his wife will not be enrolled as a citizen by intermarriage, and his application for her is rejected. His child will now be enrolled upon proper proof of birth.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 18th day of August, 1909.

[illegible]
Commissioner

B R521

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ada Foreman, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and twenty-one, it is entitled Ada Foreman, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. R.....521.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory....February 14,.....1902.

Ada Foreman,

Brent, Indian Territory.

Madam:

On the 10th day of August, 1902,

your husband, Samuel Saladen Foreman,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 17th day of January, 1897 ~~year~~, to one Samuel Saladen Foreman, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

Inclosure

Register.

Acting Chairman.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Ada Foreman *for enrollment as* ___ *citizen* ___ *of the Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R 521.

...ISO JN TO THE FIVE UNCIVILIZED TRIBES,
APR 24 1902
ACTING COMMISSIONER

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2144-1902.
D. C. 6279-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ada Foreman, R 521, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

APR 21 1962

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.L.

COMMISSIONERS:
MERRIT L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON ADAIR, SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:
Cherokee-R-521.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ada Foreman, Cherokee No. R 521, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

ACT. APPR[illegible] BY SECRETARY OF INTERIOR

[illegible] 1961

Cher R 322

P 522

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 25 1901
ACTING CHAIRMAN

"9"

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 24th, 1902.

IN THE MATTER OF THE APPLICATION OF William J. Hawkins for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A William J. Hawkins.
Q What is your age? A I will soon be fifty.
Q What is your Postoffice address? A Blue Jacket.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q By intermarriage? A Yes sir.
Q Whom do you want to enroll? A Just myself.
Q Is your wife living? A No sir, she's dead.
Q Is your name on the roll of 1880? A Yes sir.

Com'r. T. B. Needles: Applicant presents a certificate of marriage, certified to by J. D. Cunningham, Clerk of the District Court, Cherokee Nation, certifying that according to the laws of the Cherokee Nation he was married to one, Catherine Dowell, a female Cherokee, in the year 1872.

Q For whom do you apply for enrollment; just yourself? A Yes sir.

(1880 Roll, Page 269, #1301, Jasper Hawkins, Delaware District)

Q On the roll of 1880 is found the name of one Jasper Hawkins: Are you the identical person on the roll of 1880 as Jasper Hawkins?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since we have been married.
Q When did you wife die? A She's been dead about eighteen years.
Q Have you married since? A Yes sir, I married in 1897.
Q What is your wife's name? A Her name was Hampton.
Q Her given name? A Sarah.
Q Is she a white person? A Yes sir.
Q Are you living with her at this time? A No sir, we are parted.
Q Have you married since? A No sir.

Q Is your first wife living? A No sir.
Q Did you live with her continuously until her death? A Yes sir.
Q In 1897 you married a white woman? A Yes sir.
Q Any statement you desire to make in regard to your citizenship?
No response.

By Mr. S. B. Dawes, attorney for applicant:
Q I will ask ~~you~~ him if his name appears on the 1896 Roll?
A Yes sir.

(1896 Roll, Page 374, #249, William J. Hawkins, Adopted white, Delaware District)

By Mr. S. B. Dawes, attorney for applicant:
Q Mr. Hawkins state whether or not after your second marriage any proceedings were instituted against you in the Cherokee Court to forfeit your citizenship? A Never have been.

SECTION #669 of the Laws of the Cherokee Nation of 1892 Edition is here cited by Mr. S. B. Dawes, same reading as follows:
"The Circuit court shall have authority to hear and determine all cases that may be brought before it by any person or by the solicitor of the District wherein it may be alleged that a citizen of the United States or of any other government adopted by intermarriage under the laws of the Cherokee Nation has forfeited his rights to citizenship in said Nation by acts

which declare such forfeiture. Proceedings in such cases shall be by citation if the party be a resident in the Cherokee Nation, or by thirty days notice of such proceedings in the Cherokee Advocate and be conducted as are civil suits before such courts. On the finding of verdicts by the jury against such person, it shall be the duty of the clerk of the Court to notify the ~~Principal Chief~~ Principal Chief of such findings, and it shall be the duty of the principal chief to make known such findings to, and call on, the United States Indian Agent for the removal of such person beyond the limits of the Cherokee Nation. It shall not be lawful thereafter for any ~~member~~ clerk to issue a marriage license, or permit to reside in the Cherokee Nation, in any capacity whatever, to any person so declared to have forfeited his rights to citizenship in the Cherokee Nation.

Com'r. T. B. Needles: The name of William J. Hawkins appears upon the authenticated roll of 1880, as an intermarried white: He avers that he is the identical William J. Hawkins who now applies for enrollment, his middle name being Jasper, it so appearing on the roll of 1880: He avers that he was married in the year 1872 to one, Catherine Dowell, a Cherokee citizen by blood: He avers that since her decease, he has married a white woman, whose name appears in the testimony, said marriage being in the year 1897. According to Section #666 of the Revised Statutes of the Cherokee Nation, under the provision of 1892, a citizen of the United States becoming a Cherokee citizen by intermarriage, who is left a widow or a widower by the decease of a Cherokee wife or husband, and who afterwards marries a white man or woman forfeits all rights to Cherokee citizenship; consequently, the said William J. Hawkins, according to the testimony having been married in the year 1897 to a white person, comes under the provisions of said section 666, and the application of the said William J. Hawkins for enrollment as a Cherokee citizen by intermarriage will be denied. He will be rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of January, 1901.

COMMISSIONER.

R 872

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 24 1901

Acting Chairman

DESCENDANTS BY BLOOD AND ADOPTION

Date _____ Place _____

William J. Hawkins Blue Springs Mo.

Vol. 1886 Page 269 No. 1201

Relationship _____

Date of birth _____ Mother's nationality _____

Father's nationality _____

Married _____ Date of marriage _____

Certificate _____

Married under what law _____

Divorced _____

Year _____ Page _____ No. _____

Date of birth _____ Mother's nationality _____

Father's nationality _____

Married _____

Married under what law _____ Date of marriage _____

Divorced _____ Certificate _____

Names of children:

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Died _____ Year _____ Page _____ No. _____ Age _____

Reverse

On 1880 roll as Jasper Hawkins

J. R. HASTINGS
CLERK OF [illegible]. N.

R-882. Muscogee, Ind. T., ----------1902.

This late certify that Jasper Hawkins a white man was licensed to marry Catherine Diel a female Cherokee on 15th of Oct 1872 it being in accordance with an act of the national council bearing date Oct. 15th 1855 regulating intermarriage of white men with citizens of this nation license executed and returned Oct. 27, 1872.

(Signed) J. T. Cunningham.
Clerk D. D. C. N.

(SEAL)

I hereby certify that the above is a true and correct copy of marriage license on file in the office.

(Signed) J. R. Hastings,
Clerk,
Del. Dist. C. N.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 8, 1902.

I, the undersigned as stenographer to the above name dCommission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Jasper Hawkins as a citizen of the Cherokee Nation.

OFFICE OF

J. R. HASTINGS
CLERK OF DELAWARE DISTRICT C. N.

R-521.

Maywville, Ark. ----------1880.

This into certify that Jasper Hawkins a white man was licensed to marry Catherine Dial a female Cherokee on 15th of Oct 1872 it being in accordance with an act of the national council bearing date Oct. 15th 1858 regulating intermarriage of white men with citizens of this nation license executed and returned Oct. 27, 1872.

(Signed) J. T. Cunningham.
(SEAL) Clerk D. D. C. N.

I hereby certify that the above is strue and correct copy of marriage license on file in the Office.

(Signed) J. R. Hastings,
Clerk,
(SEAL) Del. Dist. C. N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 8, 1902.

I, the undersigned as stenographer to the above namdCommission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Jasper Hawkins as a citizen of the Cherokee Nation.

Frances S. Ritzfuhr.

FILED
MAR 4 1904

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of William J. Hawkins, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 522, it is entitled William J. Hawkins, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 522.

(COPY)

Cherokee Case No. R 522.

Muskogee, Indian Territory,
February 14, 1902.

Mr. William J. Hawkins,

Bluejacket, Indian Territory.

Sir:

On the 24th day of January, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence in this case that you are identified on the authenticated tribal roll of 1880 as an adopted white, the husband of Catherine Dowell. You testify that this wife died 18 years ago and that in 1897 you were married to Sarah Hampton, a white woman.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28,1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried

white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec.666. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The foregoing provisions of the Cherokee law substantially as herein quoted have been in force since the 15th day of October, 1885. In view of such provision of the law as applied to the facts in this case, it would appear that you acquired the rights of citizenship by intermarriage subject to the conditions imposed by said Section 666, and it is, therefore, considered, that by your marriage to a white woman since the death of your Cherokee wife, you have forfeited all such rights as you adquired by your former marriage, and you are not therefore embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

The attention of this Commission was called by you, through your attorney to Section 669 of the Laws of the Cherokee Nation, edition

of 1892. This section of the Cherokee law provides that; "the circuit court shall have authority to hear and determine all cases that may be brought before it by any person or by the solicitor of the district wherein it may be alleged that a citizen of the United States or of any other government, adopted by intermarriage under the laws of the Cherokee Nation, has forfeited his rights of citizenship in said Nation by acts which declare such forfeiture. Proceedings in such cases shall be by citation if the party be resident in the Cherokee Nation, or by thirty days notice of such proceedings in the CHEROKEE ADVOCATE and be conducted as are civil suits before such courts. On the finding of verdict by the jury against such person, it shall be the duty of the clerk of the court to notify the Principal Chief of such finding, and it shall be the duty of the Principal Chief to make known such finding to, and call on, the United States Indian agent for the removal of such person beyond the limits of the Cherokee Nation. It shall not be lawful thereafter for any clerk to issue a marriage license, or permit to reside in the Cherokee Nation, in anycapacity whatever, to any person so declared to have forfeited his rights to citizenship in the Cherokee Nation-- (December 6,1890)".

The power here conferred upon the circuit courts of the Nation seems necessary to be exercised only in the event that it is desired to remove beyond the limits of the Nation any person so forfeiting his citizenship. It would not seem that any judicial proceeding is necessary in order to declare the mere fact that a white intermarried man has forfeited his citizenship under Section 666. A citizen by intermarriage forfeits his citizenship by his own act the moment he enters into the marriage relation with a white woman after the death of his Cherokee wife. The only occasion upon which he could claim the benefit of section 669, would be at such time as any attempt might be made to eject him from the nation as an intruder.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of

the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) [redacted] T. B. Needles.

Enclosure

Register

A[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of FEB 14 1902 in the matter of the application for enrollment as citizen of the Cherokee Nation of William J. Hawkins

Attorney for Cherokee Nation

Cherokee No. R 572

[illegible] OF THE DIVISION,
[illegible]SSION TO THE FINE CHARGED [illegible]
FILED
MAR 19 1962
[illegible] CLERK

COPY.

Muskogee, Indian Territory, February 14, 1902.

Mr. S. E. Barnes,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find a copy of the Commission's letter of notification of its decision rendered February 14, 1902, in the matter of the application of William J. Hawkins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The record of the proceedings had in the matter of the application of the said William J. Hawkins has this day been transmitted to the Secretary of the Interior for his review and decision. When this Commission is notified of the action taken by the Secretary of the Interior you will be duly informed of the same.

Very respectfully,

T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Encl. C-R. 522.

Register.

R57

COMMISSION TO THE NW. TERRITORIES
RECEIVED
APR 10 1902

Refer to reply to the following.

[redacted]

[redacted]

[redacted]

Number	Name	Number	Name
158	George M. Turner	186	William R. Stuart
173	George T. Gibbony	240	Frank Gordon
241	John Hunt	251	John T. Rice
254	Enos W. Parsons	252	Richard H. Carrington
264	Lambert T. Kinkead	270	Ben Hall
272	Elizabeth Hall	293	William D. Wallace, Sr.
324	Silas T. Busby	357	Cansada Youngblood
388	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
456	John W. Stevenson	458	Frank M. Carrigan
467	Samuel W. Carpenter	475	Lillie Wood
493	Ed Gwartney	522	William J. Hawkins
544	Samuel M. Tweston	550	Mary S. Armstrong
622	Malinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats.,495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

and only all such as may have been placed thereon by found or without authority of law, including such such as may have legal rights thereto, and their descendants born since such roll was made, with such, intermarried persons therein as may be entitled to citizenship under Cherokee laws.

Section 668 of the Cherokee laws is as follows:

Sec. 668. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (or the same may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases tranlsmitted herewith.

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of their citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W. A. T. (H.)

L.R.S.

1008.

L.L.

Department of the Interior,

Washington,

N. T. D.1303-1902.
D.C.0308-1902.

June 25, 1902.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:

Referring to departmental letter of even date rejecting the application of Adaline Adel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Tillman G. Harlan, 1322, is rejected, as held by you in your decision of February 24, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

Acting Secretary.

E.M.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
RECEIVED
JUL 25 1902
CHAIRMAN

18688. F.

L.R.S. J.P.

Department of the Interior,

Washington,

I. T. D.1902-1902. March 26, 1902.
D.C.5300-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of William J. Hawkins, R 522, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.
E.M.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

Washington.

L. T. [illegible] March 26, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

[illegible] 24, 1908, you transmitted the record in the matter of the application and enrollment of [illegible] as a Cherokee citizen by intermarriage [illegible].

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a Delaware of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another Delaware.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll such intermarried citizen persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1885 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provides:

" Sec. 686. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 21, 1908, transmitting the case with others, recommended that your decision be requested in.

The claimant, as held by you, by virtue of the Cherokee law forfeited her rights in enrollment as a Cherokee citizen by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your opinion is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

J. L. Campbell,

Acting Secretary.

E. L. B.

1 inclosure.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 1902

ACTING CHAIRMAN

[illegible]

Washington, Indian Territory, April 16, 1900.

Mr. William J. Hughes,
Washington, Indian Territory.

SIR:

You are hereby advised that the commission's decision of February 14, 1900, rejecting your application for enrollment as a citizen of the Cherokee Nation has affirmed by the Secretary of the Interior on the 30th day of March, 1900.

Very respectfully,

Commissioner in Charge.

Enclosure.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREARINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

[redacted], Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
[redacted], Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of William J. Hawkins, Cherokee No. 2, 522, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28 day of March, 1902.

Very respectfully,

Commissioner in Charge.

Cherokee R-522.

Muskogee, Indian Territory, August 12, 1902.

William J. Hawkins,

Bluejacket, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate of marriage record showing your marriage to Catherine Dial.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-11.

William J. Hawkins.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

MAR 2[illegible] 1902

Cher R 523

Cher R 523

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 31 1901
ACTING SECRETARY

Rejected as to applicant.
Enrolled as to wife, Nannie and child Rastie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 28th 1901.

In the matter of the application of Mack B. Lansford for the enrollment of himself, wife and child as Cherokee citizens, he having been first duly sworn before Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mack B. Lansford.
Q What is your age? A. 28.
Q What is your post office address? A. Barnett.
Q What district do you live in? A. Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or inter-marriage? A. Inter-marriage.
Q Who do you want to have enrolled? A. Myself, wife and child.
Q What is the name of your wife? A. Nannie E. Kerr.
Q Is she a Cherokee citizen by blood? A. Yes sir.
Q How old is she? A. 19.
Q When did you marry? A. In 1898.
Q Have you a certificate of marriage? A. Yes sir.

The applicant presents a marriage license issued by the Clerk of the United States Court for the Northern District of the Indian Territory, and a marriage certificate certifying that he was married according to the laws of the United States on the 18th day of February 1898, to one Nannie E. Kerr, a Cherokee citizen by blood.

Q What is the name of your child? A. Rastie.
Q How old is that child? A. Born December, 1899
Q Is Nannie E. your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Have you been living together continuously since you married her? A. Yes sir.
Q Are you living together now? A. Yes sir.
Q Is this child alive and living with you now? A. Yes sir.

1880 roll,	page 38,	No. 777,	Neville (Pig) Kerr,	Canadian district.
1880	38	778,	Lucinda Kerr,	"
1896	40	1097,	Nanie Kerr,	"

Q Has your wife always lived in the Cherokee Nation? A. Yes sir.

* * * The name of Nannie E. Lansford appears on the census roll of 1896 as Nanie Kerr, her maiden name, and she is duly identified as the child and lineal descendant of Neville and Lucinda Kerr, whose names appear upon the authenticated roll of 1880 as per page and number of the roll, and satisfactory proof is made as to her marriage to Mack B. Lansford in 1898. The result of said marriage is one child, Rastie Lansford, one year of age, whose name does not appear upon the census roll of 1896, having been born since said roll was compiled, but he presents satisfactory proof of its birth. They are all duly identified and make satisfactory proof as to residence, consequently the said Nannie E. Lansford and her child Rastie Lansford will be listed for enrollment as Cherokee citizens by blood. The applicant applies for the enrollment of himself as a Cherokee citizen by inter-marriage; the testimony shows that he was married in 1898, too late under the laws of the Cherokee Nation to entitle him to acquire the right of citizenship by inter-marriage, consequently, the application for his own enrollment will be refused and he will be rejected.

Chas. von Weise, being sworn as stenographer to the Commission to the Five Civilized Tribes states that he reported in full the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

R 423

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 28 1901 1900.

Name Mack B. Lanaford Bennett, I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

~~Wife's name Nannie B. Lanaford~~

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Divorced

Married too late

Enrollment to the Muskogee,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 9 1902

ACTING CHAIRMAN

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of Feb 1899, at ..... M., and duly recorded in Book U, Marriage Record, Page 484.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 7 day of Mch, A. D. 1899.

..... Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 8 1902

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Mack B. Lansford as citizen of the Cherokee Nation.

Frances S. Patterson
Commissioner.

MARRIAGE LICENSE.

R-523.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 1641.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Mack B. Lanaford, of Bennett, in the Indian Territory, aged 26 years, and Miss Hannie E. Kerr, of Bennett, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 16th day of February A. D. 1899.

(SEAL) (Signed) J. A. Winston.
Clerk of the U. S. Court.

By (Signed) N. S. Young. Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, J. M. Roberts, a Minister of the Gospel, Do Hereby Certify, that on the 18 day of February, A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 18th day of February A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 231.

(Signed) J. M. Roberts
A Minister of the Gospel.

R523

DEPARTMENT OF THE INTERIOR
CO..... THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902
ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mack B. Lansford, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 583, it is entitled Mack B. Lansford, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.583.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R.523.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mack R. Lansford,

Bennett, Indian Territory.

Sir:-

On the 28th day of January, 1901, you appeared before the Commission to the Five Civilized Tribes and made application to be enrolled as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 18th day of February, 1899, by authority of a marriage license issued by the Clerk of the United States Court in the Indian Territory for the Northern District to Nannie E. Kerr, a citizen by blood of the Cherokee Nation. It does not appear that you were ever married to your said wife by authority of a marriage license issued by the Cherokee tribal authorities; neither does it appear that you are identified on the Cherokee census roll of 1896, or upon any of the tribal rolls of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found

on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section. . . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; . . . ."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you have never acquired the rights of an "intermarried white person" "entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

[redacted]n.

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902.

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902, *in the matter of the application of* Mack B. Lansford *for enrollment as* a *citizen of the Cherokee Nation.*

C W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 523.

R. C. A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 16 1902

ACTING CHAIRMAN

L.R.S. 19541. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1911-1902.
D. C. 5792-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Mack B. Lansford, R 523, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 16 1902

COMMISSIONER CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. [illegible] April 2, 1908.
[illegible]
R. C. [illegible]

Commission to the Five Civilized Tribes,

[illegible], I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Patterson for enrollment as a Cherokee citizen by intermarriage, R 3, transmitted with your letter of February 14, 1908, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats.,495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. * * * ".

"Sec. 662. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said court a certificate of good moral character, signed by at least ten (10) [illegible] citizens of the General Nation who are therein, who shall be known by them, who shall have been acquainted with him for [illegible] months, preceding the signing of such certificate; which shall be accompanied with an affidavit of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1903, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

1 inclosure.

DEPARTMENT OF THE INTERIOR
COMMISSION TO ADJUDICATE PRIZE CASES
FILED
APR 18 1962

[illegible]

[illegible] Indian Territory, April 24, [illegible]

Mr. [illegible] H. [illegible],

Tahlequah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, [illegible], rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, [illegible].

Very respectfully,

Acting Chairman.

Enclosed.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. PADEN
C. R. ROBERTSON

ALFRED L. ALDERDICE
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Roll.

Muskogee, Indian Territory, April 24, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ruth E. Sanford, Cherokee No. 3-[illegible], for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-823

Muskogee, Indian Territory, August 12, 1902.

Mack B. Lunsford,

Bennett, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on February 18, 1899, to Miss Hannie E. Kerr.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-10.

Mack B. Lansford.

REFUSED

CTION APPROVED BY SECRETARY OF INTERIOR

APR 2 1902

Cher R 524

Cher R 524

"A"

[illegible] OF THE INTERIOR,
[illegible] CIVILIZED TRIBES
[illegible]

[illegible] ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 25th 1901.

In the matter of the application of Allen Hughes for the enrollment of himself, wife and children as Cherokee citizens. He being sworn ~~[illegible]~~ before Commissioner T. B. Needles, testified as follows

Q What is your name? A. Allen Hughes.
Q What is your age? A. 30.
Q What is your post office address? A. Kansas, I. T.
Q What district do you live in? A. Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or intermarriage? A. Intermarriage.
Q Who is it that you want to have enrolled? A. Myself and family.
Q How many children have you? A. Three.
Q What is your wife's name? A. Mary Ann.
Q What was her maiden name? A. Parris.
Q What is her age? A. 30.
Q When were you married? A. I was married twice, married according to the Muskogee law in 1893 and according to the Cherokee law in 1897.
Q Have you a certificate of marriage? A. Yes sir.

Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Miss Mary Ann Parris on the 11th of August, 1897, according to the laws of the Cherokee Nation.

Q This was your first marriage according to the laws of the Cherokee Nation was it? A. Yes sir.
Q And you say you were married in 1893 according to the laws of the United States? A. Yes sir.
Q What are the names of your children? A. Charles L.
Q How old is he? A. 6 years old.
Q Next child's name? A. Betsy.
Q How old is she? A. She is four.
Q Next one? A. George William.
Q How old? A. Two
Q Is Mary Parris your first wife? A. Yes sir
Q Are you her first husband? A. Yes sir.
Q What was her father's name? A. Ransom Parris.
Q Is he living? A. Yes sir.
Q What is her mother's name? A. Celia Parris.
Q Is she living? A. Yes sir.

1880 roll, page 459, No. 1351, ~~[illegible]~~ Mary Parris, Goingsnake
1896 roll, page 755, No. 1018, Mary A. Hughs, Goingsnake dist.
1896 roll, page 755, No. 1020, Charles Hughs, "
1896 roll, page 755, No., 1021 Betsy Hughs, "

Q Are these children alive and living at this time? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. About 15 years.
Q How long has your wife lived in the Cherokee Nation? A. All her life.

The name of ~~Allen Hughs~~ Mary Ann Hughs is found on the authenticated roll of 1880 as Mary Parris, her maiden name, and satisfactory proof as to her marriage to one Allen Hughes a noncitizen being made, said marriage being according to the laws of the Cherokee Nation in the year 1897. She and her two eldest children, Charles and Betsy are found on the census roll of 1896 and she presents satisfactory proof as to the birth of Celia Parris whose name does not appear upon said roll having been born since that roll was compiled. They being duly identified according to the page and number of the rolls as indicated in the testimony and having made satisfactory proof as to residence consequently the said Mary Ann Hughs and her children ,will be listed

Allen Pugh 2.

[redacted]

[redacted]

[redacted]

Chasowurie

Subscribed and sworn to before me this 5th of January, 1903.

[redacted]

Commissioner.

R 57A

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 25 1901

ACTING CHAIRMAN

Department of Approved Tribal Enrollment DELAWARE.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 25 1901 1900.

Name Allen Hughes Tahlequa, I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Name Mary A. Hughes

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected married to W

CHEROKEE NATION

GOINGSNAKE DISTRICT.

To any person Authorized by law to solemnize Marriage Greeting you are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and of Marriage between Mr. Allen Hughes a citizen of the United States and Mary Ann Parris a citizen of the Cherokee Nation . And you are Requirredto Return this license within thirty days from the celebration of such marriage with a Certificate appended thereto and signed by you.

Given under my hand and seal of office on this 10 day of August 1897.

(Signed) W. W. Wright.
Clerk Goingsnake . Dist. C.N.

(SEAL)

Recorded this license Sept 11th 1897.

(Signed) W. W. Wright.
Clerk Goingsnake Dist. C. N.

(SEAL)

This is to certify that I, C. W. Gordon did unite in marriage on this the 11 day of August 1897 Mr. Allen Hughes and Miss Mary Ann Parris.

Witness my hand this the 11 day of August 1897.

(Signed) C. W. Gordon.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 6, 1900.

MARRIAGE LICENSE

CHEROKEE NATION
GOINGSNAKE DISTRICT.

To any person authorized by law to solemnize Marriage Greeting you are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and of Marriage between Mr. Allen Hughes a citizen of the United States and Mary Ann Farris a citizen of the Cherokee Nation . And you are requested to Return this license within thirty days from the celebration of such marriage with a Certificate appended thereto and signed by you.

Given under my hand and seal of office on this 10 day of August 1897.

(Signed) W. W. Wright.
Clerk Goingsnake , Dist. C.N.

(SEAL)

Recorded the within license Sept 11th 1897.
(Signed) W. W. Wright.
(SEAL) Clerk Goingsnake Dist. C. N.

This is to certify that I, S. W. Gordon did united in marriage on this the 11 day of August 1897 Mr. Allen Hughes and Miss Maryann Farris.

Witness my hand this the 11 day of August 1897.
(Signed) S. W. Gordon.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 8, 1902.

I, the undersigned as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and complete copy of the original offered in evidence in the matter of the application of-the-e-- for the enrollment of Allen Hughes as a citizen of the Cherokee Nation.

Frances S. Wheatfill

COMMISSION TO THE TOP COURT
FILED
MAR 4 1992

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Allen Hughes, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and twenty-four, it is entitled Allen Hughes, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

115

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R.524

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mr. Allen Hughes,

Kansas, Indian Territory.

Sir:-

On the 25th day of January, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"Then when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission [illegible] Acts of Congress, and known as the 'Dawes [illegible] allot the exclusive use and occupancy [illegible] lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof-considering the nature and fertility of the soil, location, and value of same; . . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood sho may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married by authority of a marriage license issued by the Cherokee tribal authorities on the 11th day of August, 1897, to Mary Ann Parris, a citizen by blood of the Cherokee Nation. You had been previously married to this wife, but not under a Cherokee marriage license.

You are not identified on the Cherokee census roll of 1896, and your marriage on the said 11th day of August, 1897, was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Ellen Hughes *for enrollment as* citizen *of the Cherokee Nation.*

Ellen Hughes

Attorney for Cherokee Nation.

Cherokee No. R 524

FILED
APR 24 1902

L. R. S. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2034-1902.
2145-1902.
6277-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Allen Hughes, No. R 524, for enrollment in said Nation as an intermarried citizen, is hereby rejected because he was married in accordance with Cherokee law subsequent to the Cherokee law of December 16, 1895, which provides that thereafter non-citizens marrying citizens of the Nation should acquire no rights in the Nation except political.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1820-1902.
D. C. 8061-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 330, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR 1902

ACTING CHAIRMAN

Cherokee R-524

Muskogee, Indian Territory, April 17, 1902.

Allen Hughes,

Kansas, Indian Territory,

Sir:

You are hereby advised that the Commisdon's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April , 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-524.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Allen Hughes, Cherokee No. R 524, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-524

Muskogee, Indian Territory, August 12, 1902.

Allen Hughes,

Kansas, Indian Territory,

Dear Sir:

When you appliedto this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on August 11, 1897, to Mary Ann Farris.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-9.

1 Hughes.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 525

Cher R 525

Memo 56

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 12 1900

R525

'a'

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 27, 1900.

In the matter of the application of Charley Smithman for enrollment as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your full name? A Charley Smithman.
Q What is your age? A My age will be 72 next November.
Q What is your post office? A Braggs.
Q What district do you live in? A Illinois district.
Q Who is it you want to have enrolled, yourself? A Yes, sir.
Q Anybody else? A No, sir, just myself.
Q Do you apply as a Cherokee by blood or adoption? A No, I am a white man, I am adopted.
Q You married a Cherokee did you? A Yes, sir.
Q Let me see your license? A I haven't got any license, I was married in 1867.
Q You are on the roll of 1880? A No, sir, I wasn't, I was in Arizona millwrighting for the Government.
Q Is your wife living or dead? A No, sir, she is dead.
Q What was her name? A Alice Hilderbrand.
Q When did she die? A About eight years ago.
Q You say you married her in 1864? A No, sir, in 1867.
Q How long did you continue to live in the Cherokee Nation? A I stayed here all the time.
Q You told me just now you had been to Arizona? A I go there and come back, I went to make money to keep the farm going.
Q When did you come back from Arizona? A We were eighteen months there.
Q Then you came back in 1881 or 1882? A It was 1882 I think.
Q Have you been here ever since? A Ever since.
Q Have you ever married since your wife died? A No, sir.
Q When you were in Arizona your wife stayed here, did she? A Yes, sir
Q What ~~di~~district was she in in the Cherokee Nation? A Illinois district.
Q What was the name of your father? A Christian Smithman.
Q He was a white man? A Yes, sir.
Q He is dead? A Yes, sir, many years ago.
Q What was the name of your mother? A Augustine.
Q Was she a white woman? A Yes, sir.
Q She is dead, is she? A Yes, sir.
Q What is the name of your wife's father? A Joe Hilderbrand.
Q Was he a Cherokee? A Yes, sir.
Q Is he dead or alive? A He is dead.
Q How long ago? A About three years ago.
Q What is the name of her mother? A Lucy Starr.
Q Was she ever a Cordrey? A ~~Yxxxxxx~~ No.
Q She was a Cherokee? A Yes, sir.
Q Is she dead? A No, sir, she is alive yet.
Q Your wife wasn't named Alice Cordrey? A She quit me and picked up another man, his name was Cordrey.
Q She lived with another man while you were in Arizona? A No, sir, before that, we lived pretty near four years together and she said, well, I believe we will part, and I said I never thought you would though.
(On 1880 roll, page 518, No. 464, Alice Cordray, Illinois district.)
Q Did she take up with you again after her marriage to Cordrey?
A No, sir, never did.
Q Are you on the roll of 1896? A No, sir.
Q You are not on any roll? A No, sir, not on any roll, I never had been here, most of the time I am out.
Q Did you ever apply to the Cherokee authorities for admission as a Cherokee citizens? A Yes.

Q Where did you apply, to the Cherokee Commission at Tahlequah?
A No, sir, it was the census in 1867.
Q Did you ever apply to the Dawes Commission? A No, this is the first time.
Q You are not on any of the rolls? A No, sir.
Q You have never been admitted? A No, sir.

Under the Act of Congress approved May 31, 1900, the Indian Appropriation Bill, or that portion of the act which provides that this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such, this Commission has no authority to enroll you or even to receive your application for enrollment. This, if you so desire, will be reported to the Secretary of the Interior for his final action and approval and when he approves of it, that will be final in your case.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 27 1900

ACTING CHAIRMAN.

R 525

"E"

ILLINOIS,
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date August 27 1900.

Name H. Charles Smithman Brand 2P.

District — Year — Page — No.

Citizen by blood No. Mother's citizenship Ind. Christian Smithman - white - dec'd

Intermarried citizen Yes. Parents Augustina " — " — "

Married under what law Cherokee Date of marriage 1857

License No. Certificate ~~Yes~~ No.

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Not enrolled

A 58

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 14 1900

R 525

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 4, 1900.

In the matter of the application of Charles Smithman.

Supplementary

Charles Smithman being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name. A Charles Smithman.
Q How old are you? A 72 years old.
Q What is your postoffice? A Braggs.
Q What district do you live in? A Illinois.
Q Who do you want to have enrolled? A Myself.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you on the rolls of the Cherokee Nation? A I aint not on the 1880 roll; I was in Wyoming.
Q Are you on the 1896 roll? A I been giving my name in. The Clerks wrote me they did.
Q Are you on the roll? A I am not on the 1880. I ought to be on the 1896 roll.
Q You a white man? A Yes sir.
Q You have already applied as an adopted citizen? A Yes sir.
Q It appears that you applied to the Dawes Commission to be recognized as a Cherokee citizen back in 1896? (No answer.)

Commissioner Breckinridge-
It appears that the applicant made application to the Commission for enrollment at Fort Gibsonon August 27, 1900. He was found not to be upon any rolls of the Cherokee Nation, and never to have been admitted or recognized in any way as a citizen by the Cherokee authorities, and it was decided that the Commission had no jurisdiction in his case. The evidence in his former application is in docket 58 of applicants rejected for lack of jurisdiction. This statement will be filed in that docket, and the applicant is here informed that is he desires a record memorandum, such as the Commission keeps of such cases, to be forwarded to the Secretary of the Interior, that will be done upon the receipt of a written request from him to that effect.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 4th day of December, 1900.

Commissioner.

P 525

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 28 1901

20

ACTING CHAIRMAN.

SUPPLEMENTAL TESTIMONY.

R. #525.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. T., JANUARY 28th, 1901.

In the matter of the application of Charles Smithman for enrollment as a citizen of the Cherokee Nation; said Smithman being sworn and examined by Commissioner Breckinridge, supplements his application with the following testimony:

Q Mr. Smithman, you applied at Fort Gibson for enrollment? A Yes, sir.
Q And you appeared at Tahlequah? A Yes, sir.

Com'r Breckinridge:--The applicant now presents a certificate from the Assistant Executive Secretary of the Cherokee Nation stating that the name of Charley ~~Smithman~~ Smitmond, age 68, male, appears No. 182, on the census roll of 1896, in Illinois district, as an white adopted citizen of Illinois district, Cherokee Nation as shown by the authorized copy of said rolls filed in his office and in his custody. This is filed herewith.

1896 Roll; page 935, #182, Charley Smitmond, Illinois.

Q Did you get a Cherokee license when you married your wife? A No, sir.
Q You did not? A No, sir.
Q Did you get a certificate from the preacher? A No, sir, he told me that I was a citizen of the Nation.
Q You got neither a license nor certificate? A Nothing.
Q You say you were millrighting for the Governemtn in 1880, in Arizona? A Yes, sir.
Q Were you working for the Army? A Yes, sir.
Q What officers were in charge of you? A Lieut. Barrett, Quartermaster.
Q What post were you at? A Fort Grant, Arizona.
Q Well you have been out of the Cherokee Nation a good deal since that? A Off and on to keep my farm going.
Q Well, now what trips have you made outside of the Cherokee Nation since? (No response.)
Q You say you have been out of the Nation from time to time to make money to run your farm? A I have been to Fort Apatche and Fort Lowe.
Q How long have you staid any one time out of the Cherokee Nation? A About nine months; I sent money back home to go towards improving my farm and come back and be right out again.
Q Who was attending to your farm while you were out? A Hired man.
Q How many times have you been out on trips like that to Arizona; how many times since 1880? A About four times.
Q What was the longest stay you have made at any one time? A Oh, about nine months or ten, something like that.
Q What were you doing driving teams? A Driving six-mule teams.
Q You ~~xx~~ were a teamster? A Then I was a teamster, yes, sir. Before that I had been a muledriver.
Q You were not a millright? A No, sir.
Q Then the testimony heretofore taken that you had been a millright was a mule-driver, that is right is it? A Yes, sir.

Com'r Breckinridge:--The applicant's name is identified on the roll of 1896, but he testifies that he never procured a Cherokee license for his marriage to his wife nor any other license, and that he did not ever procure a certificate of marriage. The former evidence in this case discloses a doubtful condition of affairs arising from the brief time the applicant lived with his alleged wife, namely; from 1867 until 1871, since which time they have not

lived together, nor have they ever been divorced according to the testimony; but under the Cherokee law approved September 26th, 1890 and published in the latter half of the Cherokee edition of laws of 1892, it was required as a condition of citizenship that "a Cherokee license should be obtained as now provided by law," and this applicant, apart from every other question, is shown by his testimony not to have conformed with the requirements of Cherokee law relating to the acquirement of citizenship rights by citizens of the United States by intermarriage with a Cherokee woman; therefore, his application is rejected, and his former number, 7[illegible], Memorandum of rejections for lack of jurisdiction, will be cancelled, and this case will be recorded upon the list of regular rejections, jurisdiction being given by his enrollment in 1896. This case will be reported to the Secretary of the Interior for his approval or disapproval.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th day of January, 1921.

Commissioner.

(B-575

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1901

Acting Chairman.

Department of Interior Tahlequah Indian Agency.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 28 1901 1900.

Name Charles Smithman

District ILLINOIS. Year 1896 Page 985 No. 182

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Recorded

On 1896 roll as Charley Smithmond

R515

"7"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
JAN 28 1901

ACTING CHAIRMAN

B. W. Albert

POOR ORIGINAL -
BEST AVAILABLE COPY

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58

CP 525

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 4 1900

ACTING CHAIRMAN.

Braggs, Indian Territory,
December 4th 1901.

The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself ~~and those represented by me in said application~~, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Witness
C. Wallace
E. L. Finch

Respectfully,
Charles his x mark Smithman

No. 58

Eunice Smithman
vs.
CHEROKEE NATION.

A 2525

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 12 1901
ACTING CHAIRMAN

SUPPLEMENTAL; C.R-825

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 29, 1901.

In the matter of the application of Charles Smithson for enrollment as an intermarried Cherokee citizen,- Cherokee Rejected case No. 825.

SOLOMON BRAGGS, being sworn and examined testified as follows:

APPEARANCES;
Applicant, in person.

BY COMMISSION;

Q What is your name? A Solomon Braggs.
Q How old are you? A 74 years old.
Q What is your post-office address? A Edna, Kansas.
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
Q Are you acquainted with Charles Smithson, who is an applicant for enrollment as a Cherokee by intermarriage? A Yes sir.
Q Were you at his marriage? A No sir.
Q Do you know his wife's given name? A Alice Hilderbrand.
Q Was she a recognized citizen of the Cherokee Nation? A Yes sir.
Q You know when he was married? A About the time, I went with him for his license and then I went on to Baxter Springs and I came back in a couple of weeks.
Q Do you know what year that was in? A Yes sir, it was '67.
Q Did he go before the tribal authorities of the Cherokee Nation for the purpose of procuring a Cherokee marriage license authorizing him to marry this Alice? A Yes sir.
Q Was the license issued to him? A Yes sir.
Q Did you see the license issued to him? A I did, I saw him pay for them.
Q What amount did he pay for them? A Five Dollars.
Q Who issued the license? A Dobson Reese.
Q He was clerk of that district? A He was clerk of the Supreme Court at Tahlequah.
Q He was duly authorized to issue the license? A That is what he claims.
Q Now the applicant claimed when he was before the Commission that he never procured a license from the Cherokee nation? A Yes sir he did. Alfred Warnes said that power lay in the clerk of the Supreme Court, and I told Charley the way I was going to Baxter Springs I would come through Tahlequah and he could come with me this far and I would go with him to the clerk, and he did so.
Q Where was the clerk's office at that time? A Somewhere about the capitol.
Q Here at Tahlequah? A Yes sir.
Q You know whether he was married according to that license? A I don't know; when I got back home he was living with this woman as his wife.
Q The same woman whose name appeared in the license? A Yes sir.
Q Do you know whether or not that license was ever returned for record? A No, I couldn't tell about that.
Q How long did he continue to live with this woman? A I don't know how long exactly.
Q About how many years? A Well I couldn't remember, I never paid much attention.
Q They separated did they after a time? A Yes sir, been separated.
Q Did he leave his wife or did she leave him, or do you know? A I do not. I think though she left him, that is my idea about it.
Q After his separation from his wife had you ever heard of him spoken of as a citizen by intermarriage of the Cherokee Nation? A Yes sir, he was always acknowledged a citizen.

Q Do you know whether he ever voted here? A Yes sir, he did.

Q. Do you know that of your personal knowledge? A. Yes sir, went with him to the clerk's office.

Q. Do you know whether or not this marriage license that was issued on that time was recorded by the clerk of the county? A. No, I don't know.

Q. Do you know if the records of that clerk are still in our image? A. No, I do not.

Q. Did he at that time have the company to procure the ten signers that are necessary for the issuance of that license? A. That's the best of my recollection about it. The number of signers was seven.

Q. Do you know whether or not he procured that number of signers? A. Yes sir, he did.

Q. Do you know the names of any of those that signed that petition? A. No, I know he had the petition when he came for his license.

Q. Did you sign it yourself? A. No sir, I didn't sign it.

CERTIFICATE: This testimony will be filed and made a part of the record in the matter of the application of Charles Mathews for the enrollment of himself as a Cherokee citizen by intermarriage. He has been listed for enrollment as such on Rejected Cherokee Card number 866.

W.B.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W B Green

Subscribed and sworn to before me this December 3, 1901.

[illegible]

Notary Public.

R655

Dep. ...T OF THE INTERIOR,
COMMISSIO... ...HE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902

...Secretary Commission

COPY

Muskogee, Indian Territory, February 14,1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Charles Smithson, refused by the Commission under the provisions of the Act of Congress approved June 28,1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 525, it is entitled Charles Smithson, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Enclosure C. R 525

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE
ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 825.

Muskogee, Indian Territory, February 14, 1908.

Mr. Charles Smithman,

Braggs, Indian Territory.

Sir:-

On the 27th day of August, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony submitted at various times in support of your said application that you are a white man and that you claim to have been married in 1867 to Alice Hilderbrand, a citizen by blood of the Cherokee Nation. You testify that such wife sometime prior to 1880 left you and took up with a man by the name of Cordray. There is some evidence that you were married to your said wife, Alice Hilderbrand, by authority of a marriage license issued by the Clerk of the Supreme Court of the Cherokee Nation.

The provisions of the Cherokee law applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 659. . . . . Every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several district, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . ."

Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; . . . ."

It does not appear from the foregoing provisions of the Cherokee law that the Clerk of the Supreme Court of the Cherokee Nation has any authority to issue marriage licenses, but only the clerks of the several districts have such power.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereonby fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee law."

Under the law and facts in this case it is considered that you were never married by authority of a marriage license issued by the proper authorities, and that, consequently, you have never ac -

quired the rights of an intermarried white person entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.
Register.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *in the matter of the application of* Charles Smithman *for enrollment as* a *citizen* ___ *of the Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 525.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 16 1903

ACTING CHAIRMAN.

L.R.S. 19841. R.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 1912-1902.
D. C. 5798-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Charles Smithman, R 525, transmitted with your letter of February 14, 1902, and the letter of the Acting Commissioner of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

ACTING CHAIRMAN
PUBLIC
COMMISSION

L. R. S. F. J.F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. [illegible] [illegible] 8, [illegible].

R. G. [illegible]

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin A. Patterson for enrollment as a Cherokee citizen by intermarriage, R 0, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 496), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. * * * ".

"Sec. 6[illegible]. Every white man or person applying for license as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) bona fide citizens of the Cherokee Nation who are known to believers or Shamans by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Sec. 6[illegible]. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1903, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.H.B.

1 inclosure.

Cherokee Nation,

Tahlequah, Indian Territory, April 16, 1902.

Mr. Charles Gibbons,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Registrar.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee 2-[illegible].

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,
Atty. for the Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Charles Hillman, Cherokee No. 2-[illegible], for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April 1902.

Very respectfully,

Acting Chairman.

Charles Smithman.

REVISED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 1902

Cher R 320

P 526

"9"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 29th 1901.

In the matter of the application of William H. Barnes for the enrollment of himself and child as Cherokee citizens. He being first duly sworn before Commissioner T. B. Needles, testified as follows-

Q What is your name? A. William H. Barnes.
Q What is your age? A. 34.
Q What is your post office address? A. Cuba , Missouri.
Q Where do you live? A. I am working on the railroad and live in Cuba, Missouri.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or inter-marriage? A. Intermarriage.
Q Who is it that you want to have enrolled? A. Myself and my daughter
Q Is your wife living? A. I suppose so.
Q What is her name? A. Flora Miller was her maiden name.
Q Is she a Cherokee citizen by blood? A. Yes sir.
Q What is her age? A. I dont know.
Q What is the name of your child? A. Maude E.
Q When were you married to Flora Miller? A. 13th of June 1893.

Applicant presents a duly authenticated marriage license and certificate, certifying that he was married according to the laws of the Cherokee Nation to Miss Flora Miller, a citizen of the Cherokee Nation on the 13th day of June 1893.

Q Are you living with your wife at the present time? A. No sir.
Q Are you divorced from her? A. Yes sir.
Q Have you a ~~decree of the~~ copy of the decree of divorce ? A. Yes sir
Q Please present it.

Applicant presents a certified copy of a decree of divorce, certifying that he was divorced from his wife according to the laws of the Cherokee Nation on the 29th of September, 1896. Said document being signed by T. M. Buffington, Judge of the Northern Judicial Circuit, Cooweescoowee District, Cherokee Nation; the correctness of the copy being attested to by Zoe M. Lehay, Clerk of the court.

Q Have you married since? A. Yes sir.
Q Is your present wife a Cherokee citizen by blood? A. No,sir, she is a white woman.
QWhat is her name? A. Ora B. Tucker was her maiden name.
Q When were you married to her? A. Three years ago this coming Sept.
Q In 1899 then? A. Yes sir.
Q Married her according to the laws of the United States? A. Yes sir.
Q What is your child's name? A. Maudie Lee Barnes.

1896 roll, page 295, No. 92, William H. Barnes, Cooweescoowee dist.

* * * The name of William H. Barnes appears on the census roll of 1896, and he applies for the enrollment of himself and his daughter Maudie Lee Barnes. He presents satisfactory proof of his marriage to Flora Miller a Cherokee citizen by blood in the year 1893; he also presents satisfactory proof of a legal divorce from said Flora Miller in 1896. He avers that since the said divorce was granted him from his said wife, Flora, that he has married one Ora B. Tucker, a non-citizen, according to the laws of the United States. Because of the provision of the Cherokee law which says that where persons who have acquired Cherokee citizenship by reason of intermarriage with Cherokee citizens by blood, ~~xxx xxxxxx~~ shall afterwards marry with a noncitizen their former Cherokee husband or wife having died or they having been

divorced, shall forfeit all rights of Cherokee citizenship theretofore acquired by reason of their first marriage. Therefore the application of the said William H. Barnes is refused and he will be rejected.

He also makes application for the enrollment of his daughter Rosalie Lee Barnes, and upon examination of the records of the Commission it is found that she has already been enrolled, as a Cherokee by blood.

+ +

Chas. von Weibe, being sworn states that he is stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas von Weibe

Subscribed and sworn to before me this the 30th of January, 1901.

Commissioner.

R 526

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 29 1901

ACTING CHAIRMAN

Commission of Applicants Tribal Citizenship.

CHEROKEES BY BLOOD AND ADOPTION.

JAN 29 1901

Date ..... 1900.

Name William H. Barnes Cuba, Mo

District COOWEESCOOWEE. Year 1896 Page 295 No. 97

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

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Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Rejected

Manuscript

W526 Of 1 112

W. H. Barnes

vs.

Elma Barnes

"D"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 29 1901

ACTING CHAIRMAN.

W. H. Barnes,)
vs.) JOURNAL ENTRY.
Flora Barnes.)

Now on this 29th. day of September, 1896, being a day of the regular term of the Circuit Court, this cause coming on to be heard, the plaintiff appeared by his attorney James S. Davenport, and the defendant being called three (three) times, at last par in open Court at intervals of more than one hour apart came not but herein makes default. It is therefore considered, ordered and adjudged by the Court that the bonds of matrimony heretofore existing between the plaintiff W. H. Barnes and the defendant Flora Barnes be dissolved, set aside and held for naught and that the plaintiff be restored to all the rights of a single and unmarried ~~person~~ man, and further that the plaintiff W. H. Barnes have and retain the custody and control of their minor child Willie Lee Barns- now about Four Years old,

W. H. Bussey

Judge Northern Judicial
Circuit, Coweescoowee Dist.,
Cherokee Nation.

Cherokee Nation
Coweescoowee District }

I John Lottery clerk of said district and nation do hereby certify that the above and foregoing is a true and correct copy of the original order as now on file in this office.

In witness whereof I have hereunto set my hand this 30th day of September 1896.

John Lottery
Clerk Court

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Barnes, for the enrollment of himself as a citizen of the Cherokee Nation.

D E C I S I O N.

It appears from the record in this case that on the 29th day of January, 1901, Williams H. Barnes appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. It appears from the evidence that the applicant was married by authority of a Cherokee marriage license on the 12th day of June, 1892 to Flora Miller, a citizen by blood of the Cherokee Nation. It further appears that he was divorced from his said wife on the 29th day of December, 1896, and that in September 1899 he was married to Ora B. Tucker, a white woman. The applicant is identified on the Cherokee Census roll of 1896.

In making Rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

> Section 666: "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It would appear that the purpose and object of this section of the Cherokee law is to withdraw the rights of citizenship from an intermarried white person who at any time enters into the marriage relation with another white person. Under this view of the law a white man divorced from his Cherokee wife must be considered to occupy the same position as the widower of a Cherokee citizen,, and if he thereafter marries a white woman he thereby forfeits all such rights as he may have acquired by his former marriage. The applicant having married a white woman since the divorce from his Cherokee wife can not be considered under the Cherokee law herein quoted as having any rights of citizenship in the Cherokee Nation, and is not therefore embraced in that class of persons described in the Act of Congress herein quoted "as intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case it is the opinion of this Commission that the application of William H. Barnes for his enrollment as an intermarried citizen of the Cherokee Nation should be denied, and it is therefore so ordered.

Commissioners.

Dated at Muskogee, Indian Territory
this 20 day of May 1902.

AUG 9 1902

MARRIAGE LICENSE

CHEROKEE NATION, I. T.

Cooweescoowee District.

To any person legally Authorized to Solemnize Marriage--Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and to celebrate the rites and ceremonies of Marriage, between Mr. W. H. Barnes a citizen of the United States, and Miss Flora Miller, a citizen of the Cherokee Nation, according to the usual customs and laws of the Cherokee Nation, and you are required to return this license to me for record, within Thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 3d day of June A. D. 1892.

(Signed) M. H. Trott, per W. H. Drew.

Deputy Clerk Cooweescoowee District.

(SEAL)

Cherokee Nation, I. T.

Cooweescoowee District.

I, Geo. W. Taylor a Dept Clerk Delaware Dis. C. N. hereby certify that on the 12th day of June 1892, I joined in Marriage, Mr. W. H. Barnes a citizen of the United States, and Miss Flora Miller a citizen of the Cherokee Nation, agreeable to the authority given in the written license and the customs and laws of the Cherokee Nation.

Given under my hand this the 12th day of June A. D. 1892.

(Signed) Geo. W. Taylor, Dep. Clk. Del. Dis.

C. N. I. T.

R-526

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.
Coowweskoowee District.

To any person legally Authorized to Solemnize Marriage Greeting:
You are hereby authorized to join in the Holy Bonds of Matrimony and to celebrate the rites and ceremonies of Marriage, between Mr. W. H. Barnes a citizen of the United States, and Miss Flora Miller a citizen of the Cherokee Nation, according to the usual customs and laws of the Cherokee Nation, and you are requirede to return this License to me for record, within Thirty days from the celebration of said Marriage with a Certificate of the same appended hereto and signed by you.

Given under my hand and Seal of Office this the 3d day of June A. D. 1892.

(Signed) N. H. Trott, per W. H. Drew.

(SEAL)

Depty Clerk Coowweskoowee District.

Cherokee Nation, I. T.
Coowweskoowee District.

I, Geo. W. Taylor a Dept Clerk Delaware Dis. C. N. hereby certify that on the 12th day of June 1892, I joined in Marriage, Mr. W. H. Barnes a citizen of the United States, and Miss Flora Miller a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the customs and laws of the Cherokee Nation.

Given under my hand this the 12th day of June A. D. 1892.

(Signed) Geo. W. Taylor, D.C.Del Dis.
C. N., I. T.

The within LicenseRecordedin the Clerk's Office of Coowweskoowee District Cherokee Nation in Book 2 and page 138, This June 16th 1892.

(Signed) N. H. Trott, Clerk.
Per (Signed) W. H. Drew, Depty.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 8, 1902.

I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of W. H. Barnes as a citizen of the Cherokee Nation.

Frances S. Bateghi

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of William H. Barnes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of the said William H. Barnes as a citizen of the Cherokee Nation.

Very respectfully,

(SIGNED). Tams Bixby.
Acting Chairman

Enc. R-526.

Through the Commissioner
of Indian Affairs.

Enc. R-[illegible].

COPY.

Muskogee, Indian Territory, May 20, 190[illegible].

William H. Barnes,

Cuba, Missouri.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

Enc. R-[illegible].
Registered.

Henry L. Dawes
Tams Bixby
Thomas B. Needles
C. R. Breckinridge
Alexander H. Ainsworth
Secretary

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Refer in reply to the following
Cher. R-526.

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of William H. Barnes for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. R-3.

Cherokee R-326

Muskogee, Indian Territory, August 12, 1902.

William H. Barnes,

Cuba, Missouri,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on June 12, 1892, to Miss Flora Miller.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-8.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 19, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William H. Barnes for enrollment as a citizen by intermarriage of the Cherokee Nation.

Applicant was married under the Cherokee laws on July 12, 1892 to Flora Miller, a citizen of the Cherokee Nation, and was divorced from her December 29, 1896. In September, 1899 he married Ora B. Tucker, a white woman. His name appears on the census roll of 1896.

The Commission is of the opinion that his name cannot be placed on the rolls of the Cherokee Nation because of section 666 of the Cherokee laws, of the compilation of 1892, which provides that:

> "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

and because after the divorce above mentioned he married a white woman who had no rights in the Cherokee Nation.

The Department held on May 26, 1902 (ITD-2991) in the case of Phoebe S. Golden, that a divorce had the same affect under this statute as death. Consequently the decision of the Commission was correct, and the office respectfully recommends that it be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

R 526

D. C. No. 14046-1902.

L. R. S. 51082 CMR

ITD 5243-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 25, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report dated May 20, 1902, transmitting the record and proceedings in the matter of the application of William H. Barnes for enrollment as a citizen of the Cherokee Nation, by intermarriage.

You rejected said applicant because it appeared that on July 12, 1892, he was married to Flora Miller, a citizen of the Cherokee Nation, and was dovorced from her on December 29, 1896; that in September, 1899, he married one Ora B. Tucker, a white woman. His name appears on the census roll of 1896.

You held that by reason of said marriage he was inhibited from being enrolled, under the provisions of section 666 of the Cherokee laws (Ed. 1892).

The Acting Commissioner of Indian Affairs forwarded your report on August 19, 1902, and recommends that your decision be affirmed.

An examination of the record shows no error in your action; said decision is accordingly affirmed, and said application is rejected. Copy of the Acting Commissioner's report is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

COPY

Muskogee, United Territory, September

[illegible]

William H. Barnes,

Cuba, Missouri.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 25, 1902.

Respectfully,

[illegible] Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R 134.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of William H. Barnes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 25, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

WILLIAM H. DAMES.

DEED

[illegible] APPROVED BY

Cher R 327

Cher R 327

CP 527

'A'

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 8 1901

ACTING CHAIRMAN

REWRITTEN, as to Applicant's Husband, John Columbus Dobbs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 4th, 1901.

In the matter of the application of Annie Dobbs for the enrollment of herself, husband and child as citizens of the Cherokee Nation; said Dobbs being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A My full name is Annie Dobbs.
Q How old are you? A 19 years old.
Q What is your post office? A Briar Town.
Q In what district do you live? A In the Cherokee Nation, right down here about two miles from Webbers Falls.
Q In what district is that? A Canadian district.
Q You are married are you? A Yes, sir.
Q Is your husband a white man or Cherokee? A He is a white man.
Q Do you want to apply for him--How long have you been married?
A Been married going on three years.
Q Got just one child? A Yes, sir, got just one child.
Q Then you apply for yourself, husband and child? A Yes, sir.
Q You are a Cherokee by blood? A Yes, sir.
Q Your husband you say is a white man? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life; I was born and raised right down here by Webbers Falls.
Q Give me the name of your father? A Bill Lee.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Anna Lee.
Q Is she dead? A Yes, sir, she is dead.
Q When were you married? A I was married in October.
Q October when, what year, two or three years ago? A Yes, sir, I was married two years ago this October past.
Q Were you ever married except that time? A No, sir.
Q Now, give me the name of your husband? A Lum.
Q How old is he? A He is 21 years old last June.
Q Then his real name is John Columbus? A Yes, sir.
Q Have you his marriage license and certificate? A I haint got it with me.
Q Where are they, at home? A Yes, sir.
Q Was he ever married except to you? A No, sir.
Q You and he have lived together ever since you were married, have you? A Yes, sir.
Q Give me the name of your child? A His name is William Roosevelt Dobbs.
Q How old is that child? A He is six weeks old.

Tribal rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1880 Authenticated roll; page 30, #222, Wm. Lee, Canadian Dist.
1880 Authenticated roll; page 30, #223, Angeline Lee, " "
1896 Census roll; page 46, #1269, Annie Lee, " "

Com'r Breckinridge:--The applicant applies for the enrollment of herself, husband and one child. She states that she is a Cherokee by blood and has lived in the Cherokee Nation all her life. Her father and mother are duly identified on the roll of 1880 as native Cherokees. Both are now deceased. The applicant is too young to be on the roll of 1880 but she is identified on the roll of 1896 as a native Cherokee. She states that she was married to her husband a white man in October, 1898. She has not a marriage license and certificate with her at this time, but states that they are at her home. She is desired to supply the Commission with this evidence of her change of name and when this is supplied to the Commission

she will be listed for enrollment as a Cherokee by blood, her name being temporarily placed upon a doubtful card to await official evidence of her marriage as stated.

She states that neither she nor her husband was ever previously married, and that he has lived with her ever since their marriage. Assuming that the marriage license and certificate will be duly supplied, it nevertheless follows that because of the lateness of his marriage, the same being after the Cherokee law of December 16th, 1896, the application for his enrollment is rejected.

When the applicant supplies the Commission with a duly authenticated certificate of the birth of her child, William R. Debbs, who is too young to be upon any roll, this child will also be listed for enrollment with its mother as a Cherokee by blood, it being placed for the present upon a doubtful card with its mother.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the fo regoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and swern to before me this 8th day of February, 1901.

Tams Bixby

Commissioner.

R 527

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 4 1901

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

31

Date Feb. 4 1907.

Name John C. Dobbs, Braxton I.T.

District ——— Year ——— Page ——— No. ———

Citizen by blood ——— Mother's citizenship ———

Intermarried citizen No

Married under what law ——— Date of marriage Oct. 1898

License ——— Certificate ———

Wife's name ———

Rejected

District ——— Year ——— Page ——— No. ———

Citizen by blood ——— Mother's citizenship ———

Intermarried citizen ———

Married under what law ——— Date of marriage ———

License ——— Certificate ———

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected

Marriage

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 24 1902

ACTING CHAIRMAN.

COPY.

Muskogee, Indian Territory, February 14,1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John C. Dobbs, refused by the Commission under the provisions of the Act of Congress approved June 28,1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said Decision as No. R 527, it is entitled John C. Dobbs, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED). T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commission
of Indian Affairs.

Enclosure C.R.527.

(Copy)

Cherokee R 327

Muskogee, Indian Territory,
February 14, 1902.

John C. Dobbs,

Briartown, Indian Territory.

Sir:

On the fourth day of February, 1901, your wife, Annie Dobbs appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 23rd day of October, 1898, to Annie Lee, a citizen by blood of the Cherokee Nation. It appears that said marriage was by authority of a marriage license issued by the Clerk of the United States Court for the Indian Territory, Northern District. It does not appear that you ever married your said wife by authority of a marriage license issued by the Cherokee tribal authorities.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provision of the Act of Congress approved June 28,1898 (30 Stats 495);

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been

lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon such rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892) and are as follows:

Section 639 "Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue."

Section 643: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case it is considered by this Commission that you never acquired the rights of an "intermarried white person" "entitled to citizenship under Cherokee laws."

Cherokee 2 Office-----

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) T. B. Needles.

Commissioner in Charge.

Enclosure

Register

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* John T Dobbs *, for enrollment as citizen of the Cherokee Nation.*

Attorney for Cherokee Nation.

Cherokee No. R527.

1902
ACTING CH

L.R.S. 19541. E. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1213-1902.
D. C. 8794-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of John C. Webb, R 287, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

DEC 1 1 1980

L. R. R. 7. 8.7.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. [illegible]. April 2, 1903.
[illegible].
R. C. [illegible].

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R S, transmitted with your letter of February 14, 1903, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats.,495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 650. * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. * * *".

"Sec. 668. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) reputable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 669. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.H.B.

1 inclosure.

Cherokee-697.

Muskogee, Indian Territory, April 18, 1908.

Mr. John E. Robbs,

Briartown, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was approved by the Secretary of the Interior on the 8th day of April, 1908.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. ROCK MARSHALL

ALEXANDER H. EWSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-227.

Muskogee, Indian Territory, April 16, 1908.

W. W. Hastings, Esq.,
Atty. for the Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of John S. Webb, Cherokee No. R-227, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1908.

Very respectfully,

Acting Chairman.

John C. Dobbs.

REFUSED

CTION APPROVED BY SECRETARY OF INTERIOR

APR 2 1902

Cher R 528

9
.D52 8
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PUEBLO INDIANS
FEB 2 1901

REJECTED, as to Wife, Ida.
DOUBTFUL, as to child, Watie Elmer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 4th, 1901.

In the matter of the application of Stand Watie Davis for the enrollment of himself, wife and chi ld as citizens of the Cherokee Nation; said Davis being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Stand Watie Davis.
Q How old are you? A 26 years old.
Q What is your post office? A Texana, I. T.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll, just yourself? A Yes, sir, just myself.
Q No family? A Yes, sir.
Q What family have you? A Jeff Davis.
Q Have you got a wife? A Yes, sir.
Q How many children have you? A One.
Q Then you want to enroll yourself, wife and one child? A Yes, sir., it is a white woman, my wife is.
Q You are a Cherokee by blood are you? A Yes, sir.
Q Your wife you say is a white woman? A Yes, sir.
Q How long have you lived in the Cherokee Nation, all your li fe?
A Yes, sir, I was born about two miles from where I am living.
Q Give me the name of your fat her? A Jeff Davis.
Q Is he living? A No, sir.
Q Give me the name of your mother? A Deggie Davis.
Q Is she ali ve? A No, sir.
Q Give me the name of your wife? A Ida Davis.
Q How old is she? A 26.
Q What was her name when you married her? A Ida Harper.
Q Was that her maiden name? A Yes, sir.
Q She was never marri ed except to you? A No, sir. Yes, she has been married once.
Q Whom was she married to before? A Emory.
Q What was his full name? A Joe Emory.
Q When did she marry Emory? A Texana.
Q How long ago? A '94 I think.
Q When did you marry your wife, Ida? A '99.
Q Was Emory dead when she married you? A No, sir, they separated.
Q Did she get a divorce from him? A Yes, sir.
Q Where is the decree, have you got a copy of the decree of divorce?
A No, sir, not here.
Q Were you ever married except to this wife? A That is all.
Q This is the only time you have ever been married? A Yes, sir.
Q Have you got a certificate of your marriage to this woman? A I did not know it was any use to bring with me.
Q Have you got one at home? A Yes, sir.
Q What is the name of your child? A Watie Elmer Davis.
Q How old is that child? A Two months and four days.

Tribal rolls of the Cherokee Nation examined and applicant's name found thereon as follows:
1880 Authenticated r oll; page 14, #365, S. W. Davis, Canadian.
1896 Census roll; page 1042, #31, Stand Davis, Orphan Roll, Saline district.

Q Was your wife's first husband a Cherokee or white man? A White man.

Com'r Breckinridge)--The applicant applies for the enrollment of himself, his wife and one child: He is identified on the rolls

[illegible]

of 1880 and 1896 as a native Cherokee. He had lived in the Cherokee Nation all his life and he was listed for enrollment as a Cherokee by blood.

He states that his wife is a white woman and that they were married in 1899. She was previously married, but her former husband was also a white man. As such, therefore, is the applicant's wife entitled to enrollment as and derives no right from her first marriage and her second marriage is after the Cherokee law of December 16th, 1896, and the application for her enrollment is rejected.

When the Commission is supplied with a proper certificate of birth of the child, Watie N. Davis, this child will be listed for enrollment as a Cherokee by blood, but at present it will be placed upon a doubtful card to await a copy of the decree of divorce of the applicant's wife from her first husband and a certificate of marriage showing that she was lawfully married to the applicant as stated by him.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 4th day of [illegible] February, 1901.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 4 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

Canadian

CHEROKEES BY BLOOD AND ADOPTION

Date February 4th 1901 ~~1900~~.

Name Texarma, D. T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Ida Davis, nee Hagan

District ..... Year ..... Page ..... No. .....

Citizen by blood No ..... Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage 1899

License ..... Certificate .....

Names of Children:

Rejected

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

No Evidence of marriage to be supplied

Decree of divorce from first husband to be supplied.

Enrolled by Stand Ft. Davis

Cr 578 1 S

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 13 1901

ACTING CHAIRMAN.

COURTS CONVENE ON THIRD MONDAYS IN MARCH, JULY, AND NOVEMBER.

[redacted]

ROANE COUNTY.

S. H. BRIGHT, CLERK.
HON. JAS. G. PARKS, JUDGE.

Kingston, Tenn. Feb 14th 1901

To whom it may concern
this is to certify that there
was a license issued Dec
7th 1896 to Joseph C. Hemphill
vs. John Hemphill for license
Circuit Court Kingston Roane Co.
Tenn.
Issued under my
hand & seal
This 14 Feb 14 1901

S. H. Bright Clk

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 9 1902

ACTING CHAIRMAN

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 18 day of Dec 189 9, at M., and duly recorded in Book I, Marriage Record, Page 77.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 18 day of Dec, A. D. 189 9.

Jas A. Winston. Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 8 190 2.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of S. W. Davis as citizen of the Cherokee Nation.

Frances S. Bitzfitz
Commissioner

MARRIAGE LICENSE.

R-[illegible]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 607

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. R. E. Davis, of Tamaha, in the Indian Territory, aged 21 years, and Miss Ida Harper, of Tamaha, in the Indian Territory, aged 24 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 1st day of Dec A. D. 1892.

(SEAL)

(Signed) Jas A. Winston
Clerk of the U. S. Court.

By (Signed) E. S. Young, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, R. E. Bear, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 10 day of Dec, A. D. 1892, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 10 day of Dec A. D. 1892

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 222.

(Signed) R. E. Bear,
A Minister of the Gospel.

8 (R538

FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida Davis, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 528, it is entitled Ida Davis, and is known as a Cherokee rejected application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 528.

1 ans

(Copy)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROKENRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case NO. R. 320.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Ida Davis,

Tenmma, Indian Territory.

Madam:

On the 4th day of February, 1901, your husband, Stand Watie Davis, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XXI, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony that you are a white person; that you were married on the 10th day of December, 1899, to your said husband, Stand Watie Davis, a citizen by blood of the Cherokee Nation. It appears that you had been formerly married to Joe Emery, a white man, from whom you were divorced on the 17th day of August, 1898. You are not identified on the Cherokee census roll of 1896, and your marriage on the 10th day of December, 1899, was subsequent to the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.
Register.

By (Signed) T[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 11 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 11 1902 *in the matter of the application of* Ida Davis *for enrollment as* a *citizen of the Cherokee Nation.*

Cherokee No. R. 528.

Attorney for Cherokee Nation.

RECEIVED
APR 24 1962

L. R. S. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 8, 1902.

I. T. D. 1814-1902.
D. C. 6276-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ida Davis, R 528, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR

ACTING CHAIRMAN

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

ACTING CHAIRMAN

Cherokee R-523

Muskogee, Indian Territory, April 17, 1902.

Ida Davis,

Texana, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-528.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ida Davis, Cherokee No. R 528, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-528

Muskogee, Indian Territory, August 12, 1902.

Stand Watie Davis,

Texanna, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Ida Davis as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on December 10, 1899, to Miss Ida Harper.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-7.

Ida Davis.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 529

Cher R 529

R 529

"A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 8 1901
Acting Chairman

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 5, 1901.

In the matter of the application of Theodore H. Leach for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Theodore H. Leach.
Q How old are you? A I am right at fifty.
Q What is your postoffice? A Texanna.
Q In what district do you live? A Canadian.
Q Do you want to enroll yourself and family? A Myself and family.
Q Have you a wife? A I have.
Q How many children have you? A Four.
Q Are you a Cherokee by blood? A No sir; by adoption.
Q You are a white man, are you? A Yes sir.
Q Your wife a Cherokee by blood? A Yes sir, Cherokee by blood.
Q Let me see your marriage license and certificate. (Hands papers to Commissioner.)
The applicant presents a license issued by the Clerk of Canadian district August 19, 1897, authorizing marriage between himself and Mrs. Jimima Leach nee Latta. The certificate shows that they were united in marriage on August 23, 1897 by the Clerk of the district. This is filed herewith.
Q Now, you were married under United States law to your wife before that, were you? A No sir, I married in the Chickasaw Nation.
Q When were you first married to her? A In about '81.
Q Have you a license or certificate of your marriage to your wife in the Chickasaw Nation? A No sir, I haven't. I got them burned in my house.
Q Your wife's full name then is Jimima Leach? A Yes sir.
Q How old is your wife? A She was born in '67.
Q How long has she lived in the Cherokee Nation? A She was born and raised in the Cherokee Nation.
Q Lived here all her life? A Yes sir.
Q How did you happen to marry her in the Chickasaw Nation? A She was only there a short time on a visit.
Q You and she didn't live down there after your marriage? A No sir, we came right back to the Cherokee Nation.
Q Give me the name of her father. A F. G. Latta.
Q Is he dead? A No sir.
Q Give me the name of her mother. A Lila.
Q Is she dead? A Yes sir.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the names of your children. A William B. Leach.
Q How old is that child? A He's about 14.
Q The next child? A Jefferson F.
Q How old is he? A He's a little over 13.
Q The next child? A Katie.
Q How old is that child? A She's 11 years old.
Q The next child? A John A.
Q How old is he? A He's about six years old.
Q These children are all living now, are they? A Yes sir.
(Upon examination of the authenticated roll of 1880, the name of the applicant's wife is found on page 30, No. 819, as Caminia Latta, Canadian district; on the Census roll of 1896, page 46, No. 1260, as Elmira J. Leach, Canadian district. The names of their children are found upon the Census roll of 1896 as follows: page 46, No. 1263, as Willie Leach, Canadian district; page 46, No. 1262, as Franklin Leach, Canadian district; page 46, No. 1263, as Katie Leach, Canadian district; page 46, No. 1268, as Allen Leach, Canadian district.

R. F.M.L.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife and four children. He is shown to have married his wife in accordance with Cherokee law in August, 1888, and states that they were previously married in the Chickasaw Nation in 1881. His marriage in accordance with Cherokee law was too late to entitle him to the right of enrollment, and the application for his own enrollment, he being a white man, is so rejected. His wife is duly identified on the rolls of 1880 and 1896. Her change of name, arising from marriage, is established by the license and certificate filed herewith; she is a native Cherokee, she has lived in the Cherokee Nation all her life, and when she married in the Chickasaw Nation, it was on the occasion of a brief visit. She will now be listed for enrollment as a Cherokee by blood. The four children named in the testimony are all duly identified on the roll of 1896; they are living, and will be listed for enrollment as Cherokees by blood.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 5th day of February, 1901.

Commissioner.

R 579

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 5 1901

ACTING CHAIRMAN.

Examined and Approved Tahlequah Nation.

Cancelled

CHEROKEES BY BLOOD AND ADOPTION.

50

Date Tahlequah, I.T. 1896.

Name Virginia H. Leach, Cherokee, I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship W. S.

Intermarried citizen yes

Married under what law Divorce Date of marriage August 23 1897

License filed Certificate filed

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood yes Mother's citizenship .....

Intermarried citizen no

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Refused to be married by Cole

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 9 1902

ACTING CHAIRMAN

MARRIAGE LICENSE.

R-529

CHEROKEE NATION, Canadian District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. T. E. Leach, a citizen of the United States, and Mrs. Simmina Leach nee Laity a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 19 day of August 1897.

(Signed) George Jennings.

Clerk Canadian District

(SEAL)

I hereby certify that I preformed the marriage ceremony for the within named parties in this License.
This 23 day of August 1897.

(Signed) George Jennings, Clerk.
Canadian Dist. C.N.

(SEAL)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 8 1902

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of T. E. Leach as citizen of the Cherokee Nation.

Frances S. Wilfley
Commissioner.

M

(R 529

APPEAL TO THE FIVE CIRCUIT
FILED
MAR 4 1902
ACTING CLERK

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Theodore H. Leach, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number H. five hundred and twenty-nine, it is entitled Theodore H. Leach, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

Acting Chairman,

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COMMISSIONERS
MOORE & BOWEN
TAMS BIXBY.
THOMAS B. McBRIDE.
C. R. BREEDLOVE.
ALBERT L. FOLSOM, SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 529.

Muskogee, Indian Territory, February 14, 1908.

Theodore M. Leach,

Texanna, Indian Territory.

Sir:-

On the 5th day of February, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:-

[illegible] any one of said nations [illegible] law, and the survey of [illegible] completed, the commission [illegible] and known as the 'Dawes [illegible] exclusive use and occupancy [illegible] or tribe susceptible [illegible] shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 662, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white man; that you were married by authority of a Cherokee marriage license on the 23d day of August, 1897, to Jimima Latty, a citizen by blood of the Cherokee Nation. It appears that you were first married to your said wife about the year 1881, but such marriage

was not under the authority of a marriage license issued in accordance with the laws of the Cherokee Nation. You are not identified on the Cherokee census roll of 1896, and your marriage on August 23d, 1897, was after the enactment of the Cherokee marriage law of December 16, 1895, which law took effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Theodore H. Leach *for enrollment as* a *citizen* *of the Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 529.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902
ACTING CHAIRMAN.

L. R. S. WHR. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2034-2146-1902.
D. C. 6275-1902.

April 3, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

Referring to departmental letterof even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Theodore H. Leach, No. R ~~269~~ 524, for enrollment in said Nation as an intermarried citizen, is hereby rejected because he was married in accordance with Cherokee law subsequent to the Cherokeelaw of December 16, 1895, which provides that thereafter non-citizens marrying citizens of the Nation should acquire no rights in the Nation except political.

Respectfully,

Thos. Ryan,

Acting Secretary.
D. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 21 1902
ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 2 1902

ACTING CHAIRMAN.

Cherokee R-[illegible]

Muskogee, Indian Territory, April 17, 1908.

Mr. Theodore H. Leach,

Tenaha, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BROCKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-529.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Theodore H. Leach, Cherokee No. R 529, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee B-529

Muskogee, Indian Territory, August 12, 1902.

Theodore H. Leach,

Texanna, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation you filed with that application marriage license and certificate showing your marriage on August 23, 1897, to Mrs. Jimima Leach, nee Latty.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-6.

Theo ore H. Leach.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 530

Cher R 530

9 530

"9"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 8 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 5, 1901.

In the matter of the application of Jacob Mcd. Scudder for the enrollment of himself and wife as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Jacob Mcd. Scudder.
Q How old are you? A 28.
Q What is your postoffice? A Tenkiller.
Q You live in Canadian district? A Yes sir.
Q Who is it you want to enroll now? A Myself and wife.
Q No children? A No children.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A A white woman.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation about 12 years.
Q You are an admitted citizen, are you? A Yes sir.

The applicant presents a copy furnished by D. S. Wilkins, Clerk of the Commission on Citizenship of the Cherokee Nation showing that on the 13th of October, 1887, certain persons were admitted to citizenship, and among them appears the name of Jacob Mcd. Scudder.

Q That is your name is it? A Yes sir.

This is recognized as official evidence of the applicant's admission, and is filed herewith.

Q Give me the name of your father. A Lewis B. Scudder.
Q He's alive is he? A Yes sir.
Q Give me the name of your mother. A Malinda E.
Q She's alive? A Yes sir.
Q Your father and mother were both admitted at the same time you were, were they? A Yes sir.
Q They have already been enrolled, have they not? A Yes sir. My mother is a white woman. I don't know whether she has or not.
Q Your father has been enrolled, has he? A Yes sir.
Q Give me the name of your wife? A Effie May.
Q How old is she? A She's 23.
Q When did you marry her? A About two years ago; in February '99.

The applicant presents a license issued by the Clerk of the United States Court, Northern district, Indian Territory, Feb. 8, 1899, authorizing marriage between himself and Effie M. Greer. The certificate shows that they were united in marriage two days thereafter by the Rev. J. H. Vick. This document is filed herewith.

Cherokee Census roll of 1896 examined and upon page 68, No. 1874 thereof, the applicant appears as Jacob M. Scudder, in Canadian district.

Q Your wife's maiden name was Greer, was it? A Yes sir.
Q You were never married except to her? A No sir.
Q She was never married except to you? A No sir.
Q Lived together ever since you were married? A Yes sir.

Commissioner Breckinridge-
The applicant applies for the enrollment of himself and wife. He is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1887. He has lived in the Cherokee Nation for 12 years; he is identified on the roll of 1896 as a native Cherokee, and he will be listed for enrollment as a Cherokee by blood. This date is shown by the license and certificate filed

[redacted]

R530

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 5 1901

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION

Date February 5, 1901

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Effie M. Scudder

District Year Page No.

Citizen by blood No Mother's citizenship U. S.

Intermarried citizen yes

Married under what law U. S. Date of marriage April 5, 1899

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

Married too late

D R530

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Effie M. Scudder, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and thirty, it is entitled Effie M. Scudder, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

ENROLLMENT CASE No. 8

530.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

ALBERT L. ATLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1908.

Mrs. Effie M. Scudder,

Texanna, Indian Territory.

Madam :

On the 5th day of February, 190 0, your husband, Jacob McC. Scudder, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 639 to Sec. 689, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that ... you were ...

married on the 6th day of February, 1899, to one Sooch McC. Scudder,

..... a citizen by blood of the Cherokee Nation, that you and your

husband ..... have lived together continuously since your marriage, that you are not

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of ..... yourself ..... as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to ..... you ..... as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

Inclosure.

Postage.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Effie M. Scudder *for enrollment as citizen of the Cherokee Nation.*

C. C. Hastings
Attorney for Cherokee Nation

Cherokee No. R 530

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1918-1902.
D. C. 6221-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised t that the application of Effie M. Scudder, R 530, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-530

Muskogee, Indian Territory, April 17, 1902.

Effie M. Scudder,

Tenmma, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-530

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Effie M. Scudder, Cherokee No. R 530, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-530

Muskogee, Indian Territory, August 12, 1902.

Jacob McC. Scudder,

Texanna, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Effie M. Scudder as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate, showing your marriage on February 8, 1899, to Miss Effie M. Greer.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-5.

Effie M. Scudder.

REFUSED

TION APPROVED BY SECRETARY OF INTERIOR

APR 3 1902

Cher R 531

Cher R 531

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 8th, 1901.

IN THE MATTER OF THE APPLICATION OF William J. Jackson for the enrollment of himself and wife as citizens of the Cherokee Nation, and the said Jackson being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A William J. Jackson.
Q How old are you? A Thirty seven years old.
Q What is your Postoffice? A Cateosa.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enrolled at this time?
A Myself and wife.
Q Your wife has not been enrolled, has she? A No sir.
Q You want to apply for yourself and wife? A yes sir.
Q You have not applied heretofore for either the enrollment of yourself or your wife? A No sir.
Q Have you any children? A Yes sir.
Q Have you applied for their enrollment heretofore? A Yes sir.
Q You do not want to apply for any children at this time? A No sir.
Q Are you a Cherokee by blood? A No sir, adopted.
Q What is your wife; a Cherokee by blood? A Yes sir.
Q What is the name of your wife? A Louisiana.
Q What was her name when you married her? A Dooley.

Com'r. C. R. Breckinridge: The applicant presents a certificate, issued by the Clerk of Cooweescoowee District, August 17th, 1895, authorizing marriage between himself and Lou Anna Dulley, he being given as a citizen of the United States and she being given as a citizen of the Cherokee Nation.

Q Where is your certificate of marriage under this license?
A I hav'n't any.
Q Well, were you married in accordance with this license? A Yes sir; that was neglect of the preacher; it should have been returned.
Q Were you ever married before you marriedthis wife? A Yes sir.
Q How many times? A Once.
Q To whom were you married before? A Azalee Gravitt; Mintie Azalee was her full name.
Q Was she a white woman or a Cherokee? A She was a Cherokee.
Q When did you marry her? A I married her in '84.
Q You have no children by your present wife? A No sir.
Q How many children have you by that wife? A Two.
Q What are the names of these children? A Jesse C. and Minnie L.
Q Is your first wife dead? A Yes sir.
Q Did she die before you married your present wife? A Yes sir.
Q Have you lived in the Cherokee Nation ever since you married your present wife? A Yes sir.
Q The present name of your wife is Louisana Jackson? A Her present name; yes sir.
Q How old is she? A She's thirty two years old.
Q It is through this marriage to your present wife that you apply for your own enrollment, is it? A Yes sir.
Q How long has your present wife lived in the Cherokee Nation?
A Abo ut six years.
Q How did she become a Cherokee citizen; was she ever admitted by the Cherokee Commission or Council? A I can not say; we have statements there.
Q You have no certificate of admission? A No sir, none at all.
Q Where did your wife live down to six years age; since she has begun living in the Cherokee Nation? A She lived in Georgia.
Q Was she born there? A Yes sir.
Q Did she live there all her life? A Yes sir; that is my understanding.
Q And she's never been admitted to citizenship by the Cherokee Commission on citizenship, or by the Cherokee Council?
A Not that I know of.

Q Not that you can establish? A No sir.
Q Did she ever make application to the Dawes Commission for admission - four years ago - in 1896? A Not that I know of.
Q She has never been admitted to citizenship in any form that you know of? A No sir; I have got no record of it.

Com'r. C. R. Breckinridge: The applicant presents an official copy of an Act of the Cherokee Council, approved December 8th, 1894, authorizing the payment of Strip Money to varios persons, among whom appears the name of Louisiana Dooley.

Q That is your wife, is it? A Yes sir.

Com'r. C. R. Breckinridge: This is accepted as official evidence of her having been included in the said Act and as equivalent to her being on the payment roll of 1894.

Q Who here knows that you and your wife were married under this license which you have filed? A She was there - indicating .

JULIA BROWN, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name please? A Julia Brown.
Q How old are you? A Thirty years old.
Q What is your Postoffice? A Catoosa.
Q How long have you lived in the Cherokee Nation? A Six years, or right about six.
Q Are you acquainted with Mr. Jackson, the applicant here?
A Yes sir.
Q Do you know his wife, Louisiana Jackson? A She's my sister.
Q Do you know anything about their ever having been married under a Cherokee license -- when were they married?
A When were they married?
Q Yes? A They were married in 1895.
Q Were you present? A Yes sir.
Q He has filed here a Cherokee license, dated August 17th, 1895, authorizing marriage between himself and your sister: Do you know whether they were married in accordance with this license?
A Yes sir, I saw them married.
Q When were they married in 1895? A They was married at home.
Q I asked you when? A I disremember the date; it was in August
Q It was in the Summer time, was it? A Yes sir, I think it was the third or second Sunday of August; I wont be certain.

APPLICANT RECALLED.
Com'r. C. R. Breckinridge: The applicant also filed an official Certificate from the Executive office of the Cherokee Nation, showin that the name of Louisana Dooley appears upon the roll, admitted in accordance with an Act approved August 7th, 1882. This is filed herewith.

It is shown further from the testimony that the said Louisiana Dooley was not in the Cherokee Nation at that time, nor at any other time down to six years ago.

The applicant also files a certificate from the same office, showing that there appears upon the roll of 1852 the name of Caroline Gravitt as being among the Cherokees east of the Mississippi River, said Caroline Gravitt being stated as the mother of Louisiana Jackson. This is not seen to have any application of force under the present conditions, but it is filed herewith.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his mother and wife; he is a white man, but states that his wife is a Cherokee by blood and he applies for his own enrollment through this marriage: His wife is shown by the official

copy of an Act of the Cherokee Council to have received strip money in 1894; this document is filed herewith and is equivalent to being identified on the roll of 1894. She is not identified on the roll of 1896; the applicant states that she came to the Cherokee Nation about six years ago and that previous to that time she had lived all her life in the State of Georgia: She is now thirty two years of age; it appears that she has never been admitted to citizenship by the Cherokee Council or Commission or by any other authorized authority. It is considered therefore that she has not acquired citizenship in a manner required by law, and the application for her enrollment is rejected.

The applicant files a Cherokee marriage license in due form, authorizing marriage between himself and this wife; a certificate of marriage does not accompany the license, but the fact of marriage in accordance with said license is established in a satisfactory manner by personal testimony: It appears that the applicant was not admitted to enrollment in 1896; he can possess no rights except through this wife; accordingly, the application for his enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of Febuary, A. D., 1901.

COMMISSIONER.

R 531

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 8 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb. 8 1900.

1 (37) Name William J. Jackson Catoosa I. T.

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

2 (32) Wife's name Louisana D. Jackson

District ..... Year ..... Page ..... No. .....

Citizen by blood yes Mother's citizenship .....

Intermarried citizen No

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Not for Wm J. Jackson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 9 1902

ACTING CHAIRMAN.

MARRIAGE LICENSE.

R-531.

CHEROKEE NATION, Coweescoowee District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Wm. J. Jackson, a citizen of the United States, and Miss Lou Anna Dulley, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 17th day of August A. D. 1898.

(Signed) Joe M. LaHay

Clerk Coweescoowee District

(SEAL) C. N.

Recorded on page 80, Book E of Marriage License.
(Signed) Joe M. LaHay, Clerk.
Cee. Dist.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 8 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Wm. J. Jackson as citizen of the Cherokee Nation.

Frances S. Pitchlynn
Stenographer.

An act making an appropriation for the benefit of persons resident of Tahlequah District omitted from the payrolls and from the distribution of the Strip fund of the recent per capita payment.
Be it enacted by the National Council:

That there be appropriated out of any money belonging either to the Strip or General fund not otherwise appropriated the sum of two hundred and sixty-five dollars and seventy cents, for the benefit of each of the persons herein respectively named and the treasurer is hereby authorized to pay on the warrant of the principal Chief who is hereby directed to issue his preferred warrant accordingly, towit:

1, Eliza E. Donnell	
2, Eula Donnell	$265.70
3, Melissa Dooley	265.70
4, George W. Dooley	265.70
5, Louisiana Dooley	265.70
6, Julia Dooley	265.70
	265.70

(Here follows 43 more names with the above amount set opposite each name and concludes as follows):
Passed the Senate Dec.6th 1894.

J. C. Starr,
Clerk of Senate.

Richard M. Wolfe,
President of Senate.

Concurred in by the Council with the following amendment:
Add the names of:
(Here follows 7 more names with like amounts set opposite each name as indicated above)

J. H. Dick,
Clerk of Council.

V. Gray, Speaker of Council
Pro.Tem.

Council amendment concurred in by the Senate Dec.8th 1894.

C. W. Wyley,
Clk of Senate.

Richard M. Wolf,
President of Senate.

Approved Dec.8th 1894.

(SEAL)

C. J. Harris,
Principal Chief C.N.

Executive Office Cherokee Nation,
Tahlequah, Ind. Ter.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy (expect the omission of names and amounts money as above stated) taken from the record of laws passed by the National Council and approved by the Principal Chief in the year of 1894 now on file in this office and in my custody.
Given under my hand and the seal of the Cherokee Nation this 16th day of January, 1901.

B. W. Alberty,
Assistant Executive Secretary, Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

EXCERPTS OF LETTER CHOLOPOE NATION,

Lampolski, I.I.

I. N. A. Vipolyi, Chairman, Executive Committee of the Cholopoe Nation to Petropl Corlitzki, Chief of the Bureau:

Cholopoe Nation do Petropl Corlitzki Chief the Bureau:

Just Grace!
Just Grace!

Just Carmella Grace!
Just Nell Grace!
Just Charlotte Grace!
Just Ann Grace!
Just Irene Grace!, Vic is be Honor on the Children Lot of to Cholopoe Corp! to the Chief Lot Lord Bulk to type Bulk to Bulk Lot Lord Bulk to type Bulk to Bulk Lot Lord Bulk to type Bulk to Bulk

Cherokee R-621

Executive Office Cherokee Nation,

Tahlequah, I.T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the names:

1261 Jane Grayett
1262 James Grayett

1263 Cynthia Grayett
1264 Mary Grayett
1265 Caroline Grayett
1266 John Grayett
1267 Thomas Grayett, Are to be found on the Chapman roll of Cherokees east of the Mississippi River, taken in 1852 as appears from an authorized copy of said roll filed in this office and in my custody.

Given under my hand and seal of the Cherokee Nation this the 26th day of January 1901.

B. W. Alberty,
(SEAL) Assistant Executive Secretary Cherokee Nation.

Department of the Interior,

Muskogee, I.T., November 18, 1902.

Commission to the Five Civilized Tribes.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 18th day of November, 1902.

Notary Public.

Executive Office, Cherokee Nation,

Tahlequah, I.T.

I, B. W. Albert, assistant Executive secretary of the Cherokee Nation do hereby certify that the names:

Caroline Dooley, No.1867, (Husband Lewis Dooley, white) (Postoffice Crystal Springs,Ga)

George Webster Dooley, No.1868

Luisiana Dooley, No.1869

Julia Dooley, No.1870 (ancestor, Jane Gravett),

are to be found on the roll of Cherokee Indians taken "in compliance with an Act Making Appropriation for the Sundry Civil expenses of the Government, Approved August 7, 1888," as appears from copy of said roll filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 28th day of January, 1901.

(SEAL) B. W. Albert.

****

Executive Office, Cherokee Nation,
Tahlequah, I.T.

I, E. W. Alberty, Assistant Executive secretary of the Cherokee Nation do hereby certify that the names

Caroline Dooley, No.1967, (Husband Lewis Dooley, dead)
George Webster Dooley, No.1968 (Postoffice Crystal Springs, Ga.)
Louisiana Dooley, No.1969
Julia Dooley, No.1970 (mother, Jane Grayett),

are to be found on the roll of Cherokee Indians taken "in compliance with an Act Making Appropriation for the Sundry Civil expenses of the Government, Approved August 7, 1888," as appears from copy of said roll filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 28th day of January, 1901.

(SEAL)

E. W. Alberty.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1908.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1908.

Notary Public.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of William J. Jackson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Louisiana Jackson as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

On the 8th day of February, 1900, William J. Jackson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Louisiana Jackson as a citizen by blood of the Cherokee Nation.

It appears from the evidence in thiscase that the applicant, William J. Jackson, a white man, was married to Louisiana Dooley, on the 17th dayof August, 1895, by virtue of a license issued by the authorities of the Cherokee Nation; that by an act of the Cherokee National Council of date December 8th, 1894, the applicant's wife, then Louisiana Dooley, was declared entitled to her pro rata share of the Cherokee Strip money, and received the amount, Two Hundred Sixty-five and 70/100 ($265.70) Dollars; that her name appears on the Cherokee pay roll of 1882 taken "in compliance with an act making appropriation for the sundry civil expenses of the Government, approved August 7th,1882", and that on the 4th day of October, 1889, the application of Louisiana Dooley, now Louisiana Jackson, for admission to citizenship in the Cherokee Nation, was denied by the Cherokee Commission on Citizenship.

It further appears that the applicant's wife was not a resident of the Cherokee Nation when the Cherokee roll of 1882 was made "in compliance with an act making appropriation for the sundry civil expenses of the Government, approved August 7, 1882," as she did not come to the Cherokee Nation until some six years prior to the date of this application; that she was never admitted to citizenship

in the Cherokee Nation by the tribal authorities or the Commission to the Five Civilized Tribes or the United States Court on appeal, under the provisions of the Act of Congress approved June 10,1896; that she is not identified on any of the tribal rolls in the possession of the Commission, and that she was denied citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship.

The applicant, William J. Jackson, is not identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission, neither does it appear from the records of the Nation that he was ever admitted to citizenship by the tribal authorities; the records of this Commission fail to show that he was ever an applicant for admission to citizenship in the Cherokee Nation before the Commission to the Five Civilized Tribes or the United States Court on appeal.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful rightthereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the law and the evidence in this case it is the opinion of this Commission that the application of William J. Jackson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Louisiana Jackson as a citizen by blood of the Cherokee Nation should be

[illegible]

Robert L. Owen
Tams Bixby
Thomas B. Needles
C. R. Breckinridge

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Refer in reply to the following
Cherc. R-651.

Muskogee, Indian Territory, May 30, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William J. Jackson as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. R-2.

COMMISSIONERS
Henry L. Dawes
Tams Bixby,
Thomas B. Needles
C. R. Breckinridge

Allison L. Aylesworth
Secretary

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R 831.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of William J. Jackson for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 11, 1902.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of William J. Jackson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of William J. Jackson et al. as citizens of the Cherokee Nation.

Very respectfully,

SIGNED). Tams Bixby.

Acting Chairman.

Enc. R-531.

Through the Commissioner
of Indian Affairs.

COPY.

Cherc. R-531.

Muskogee, Indian Territory, May 20, 1902.

William J. Jackson,

Catoosa, Indian Territory.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife, Louisiana Jackson, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED). Tams Bixby.
Acting Chairman.

Enc. R-531.
Registered.

Cherk. R-631.

COPY.

Muskogee, Indian Territory, May 20, 1903.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William J. Jackson as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Acting Chairman.

Enc. R-2.

Cherokee R-531.

Muskogee, Indian Territory, August 12, 1902.

William J. Jackson,

Catoosa, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of yourself and family as citizens of the Cherokee Nation, you filed with that application marriage license authorizing your marriage to Lou Anna Dulley.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-4.

Refer in reply to
the following:
Land

31143-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 19, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William J. Jackson for the enrollment of himself as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood of that nation.

It appears from the record that William J. Jackson is a white man ; that he married Louisiana Dooley August 17, 1895 in accordance with Cherokee laws; that on October 4, 1889 the application of Louisiana Dooley (now Louisiana Jackson) for admission to citizenship in the Cherokee Nation was denied by the Cherokee citizenship commission, but by an act of the Cherokee National Council of December 8, 1894, she was declared entitled to her prorata share of the Cherokee strip money, and received the amount $265.70; and that her name appears on the Cherokee pay roll of 1882.

The Commission is of the opinion that she never legally admitted to citizenship in the Cherokee Nation by the tribal authorities, or otherwise, and therefore declined to enroll her.

The office believes that the act of the Cherokee National

Council declaring her entitled to a share of the strip money was equivalent to placing her name on the roll, and for this reason it is recommended that the Commission be directed to enroll Louisiana Jackson as a Cherokee citizen.

She was married to her husband, as above stated, on August 17, 1898, prior to the date of the Cherokee act of December 16, 1898, which declared that non-citizens should not thereafter receive property or citizenship rights in the Cherokee Nation, by intermarriage therein, and the office therefore believes that William J. Jackson should also be enrolled as an intermarried citizen.

The office respectfully recommends that the names of both applicants be placed upon the Cherokee rolls.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
B

3 inclosures.

R 3 31

J. P.

Department of the Interior, Rec'd.

18097 Washington.

ITD.2244-1902

L. R. S. September 11,1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 20, 1902, you submitted the case involving the application of William J. Jackson, a white man, for the enrollment of himself as a Cherokee citizen by intermarriage, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood of the Cherokee Nation.

It appears that Jackson was married to Louisiana Dooley, his present wife, in August 1898. Louisiana Dooley's name, it appears from the testimony, is on a Cherokee pay roll of 1882. On October 4, 1889, an application for her admission to citizenship in the Cherokee Nation was denied by the Cherokee Commission on Citizenship. It appears, however, that by an act of the Cherokee Council of December 8, 1894, she was declared entitled to her pro rata share of the Cherokee Strip money, and received $246.70. When the roll of 1882 was made she was not a resident of Indian Territory and did not come to the Cherokee Nation until about six years prior to the date of the application in this case.

You found that she had never been admitted to citizenship in said nation by the tribal authorities or otherwise, and that she is not identified on any of the tribal rolls in your possession. In view of section 21 of the act of June 28, 1898 (30 Stat.,495), and

the evidence in the case, you held that Jackson's wife was not entitled to enrollment and, therefore, that he was not, and rejected the application.

In submitting the case August 19, 1902, the Acting Commissioner of Indian Affairs stated that in his opinion the act of the Cherokee Council on 1894, declaring claimant's wife entitled to a share of the Strip money, was equivalent to placing her name on the roll (1894), and for this reason he recommended that you be directed to enroll the claimants.

This recommendation is not in harmony with the recommendation of the Indian Office of July 22, 1902, in the case of Julia Brown, a sister of the present applicant, wherein the facts were, in all material particulars, the same as in this case. In the Brown case it was recommended that your decision be approved, and it was affirmed by the Department July 29, 1902.

In accordance with the ruling then made, the application of Jackson for himself and for his wife is hereby rejected. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

EMD.

1 inclosure.

COPY.

Cherokee R 511.

Muskogee, Indian Territory, October 7, 1902.

William J. Jackson,

Cateena, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Louisiana Jackson, as a citizen by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 11, 1902.

Respectfully,

Acting Chairman.

COPY

Cherokee 2 122.

Muskogee, Indian Territory, October 7, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1908, rejecting the application of William J. Jackson for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Louisiana Jackson, as a citizen by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 11, 1908.

Respectfully,

Acting Chairman.

Cherokee 2-[illegible]

Washington, Indian Territory, [illegible] 1896

William S. Anderson,

Attorney, Indian Territory.

Dear Sirs:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate from the Executive Office of the Cherokee Nation, showing the enrollment of Caroline Dooley and others upon the roll of citizens of the Cherokee Nation made under the provisions of the Act of Congress of August 7, 1882; also certificate showing the enrollment of Jane Grayett and others on the Shoshone roll of Cherokee citizens taken in 1883; also certified copy of an act of the Cherokee National Council, appropriating money to Elias A. Darnell.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-31

Land.
34529-1902.

43740-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 11, 1902 (I.T.D.5244-1902) I have the honor to enclose a letter from William Henry White, attorney, Washington, D.C. dated June 5, 1905, transmitting a motion for reopening Cherokee citizen enrollment case of Louisiana Jackson.

The record is also enclosed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.W.M.
W.

D.C. 44869 J.W.G.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.7180-1906. October 8, 1906.

J.P.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the action of the Department of October 2, 1906, in the Cherokee citizenship case of Malissa Dooley, which was based upon the opinion of the Assistant Attorney General in that case, the motion for rehearing in the case of Louisiana Jackson, of the filing of which motion your office was advised June 20 1905, is denied.

A copy of the Indian Office letter of June 13, 1905, submitting said motion is inclosed.

The papers have been x returned to the Indian Office, which will advise the local attorney of the action taken herein.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inc. & 6 to Ind. Of.

Through the Commissioner
of Indian Affairs.

Cherokee R.
831.

Muskogee, Indian Territory, October 15, 1906.

Louisiana Freedman,

Catoosa, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorney for a rehearing in your Cherokee enrollment case, was denied by the Secretary of the Interior, October 5, 1906.

Respectfully,

Commissioner.

LMC

Cherokee R.
931.

Muskogee, Indian Territory, October 18, 1906.

William Henry White,

Attorney for William J. Jackson, et al.,

416 5th St., N. W.,

Washington, D. C.

Dear Sir:

You are hereby advised that your motion for a rehearing in the Cherokee enrollment case of Louisiana Jackson, was denied by the Secretary of the Interior, October 5, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-36
LMC

Refer in reply to the following:
Cherokee R.
821.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee enrollment case of Louisiana Jackson, was denied by the Secretary of the Interior, October 5, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-37
LMC

Cher R 532

Cher R 532

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 8th, 1901.

IN THE MATTER OF THE APPLICATION OF Julia Brown for the enrollment of herself and husband as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Julia Brown.
Q Have you any middle name? A No sir.
Q How old are you? A Thirty.
Q What is your Postoffice? A Catoosa.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have enrolled? A Just myself and my husband.
Q You have no children? A No sir.
Q Do you apply as a Cherokee by blood? A Yes sir.
Q Is your husband a Cherokee or a white man? A No sir, he is a white man.
Q How long have you lived in the Cherokee Nation?
A Six years the 24th of March.
Q Are you on any of the rolls of the Cherokee Nation?
A On '94 and '88.
Q Were you ever admitted to citizenship by the Cherokee Commission or Council? A No sir.
Q Were you ever admitted by the Dawes Commission or the United States Court? A No sir.
Q Where did you live down to six years ago? A Georgia.
Q Lived there all your life until six years ago? A Yes sir.
Q During the last six years, have you lived continuously in the Cherokee Nation? A Yes sir.
Q Give me the name of your father? A Louis Dooley.
Q Is he living? A Yes sir.
Q Give me the name of your mother? A Melissa Caroline Dooley.
Q Is she dead? A No sir.
Q Were your father or mother ever admitted to citizenship by the Cherokee Council or Commission? A Yes sir, I think they was.
Q When did your mother come to the Cherokee Nation?
A We all come out together; her and her three children.
Q She and your father came at the same time? A Yes sir.
Q Had she ever been in the Cherokee Nation before? A No sir.
Q Had your father? A No sir.
Q Neither of them were ever admitted by the Cherokee Commission?
A No sir.
Q Were they ever admitted by the Dawes Commission? A No sir.
Q Were they ever admitted by the United States Court?
A No sir, not that I knew of.
Q Give me the name of your husband? A Andrew H. Brown.
Q How old is he? A He's thirty nine.
Q Is this your husband here with you? A No sir, this is my brother.
Q When were you and your husband married? A In '97.
Q Have you a marriage license or certificate? A Yes sir, I have a license.

Com'r. C. R. Breckinridge: The applicant presents a license issued by the Clerk of Coowescoowee District, January 24th, 1897, authorizing marriage between herself and husband, as stated; and the certificate shows that they were united in marriage on the same day in accordance with said license by the Clerk of the District. This is filed herewith.

Q Have you and your husband lived together ever since you were married? A Yes sir.
Q Living together now, are you? A Yes sir.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A No sir.

JULIA BROWN AND HUSBAND.

--2--

Com'r. C. R. Breckinridge: ~~The applicant~~ It is shown by an official copy of an Act approved December 7th, 1894 that the applicant then Julia Dooley was declared entitled to her prorata of the Cherokee Strip Money; this document is filed in the case of William J. Jackson et al, "R" 531, and it is returned to its proper file. This is equivalent to her being on the roll of 1894.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of herself and her husband. It is shown by the evidence that she was included among persons declared entitled to Cherokee Strip Money, as shown by an Act of the Cherokee Council cited in the testimony, said Act having been passed in December, 1894; her change of name is established by marriage license and certificate filed herewith; she states that she was born in the State of Georgia and lived there until six years ago, when she came to the Cherokee Nation; and she has lived in the Cherokee nation ever since; she was never admitted to citizenship by the Cherokee Council or Commission, or by the Dawes Commission, or by the United States Court, and it appears that she was not admitted to enrollment by the Cherokee authorities in 1896; An official document from the office of the Cherokee Commission on citizenship filed in case Memorandum #287, that of Melissa Dooley, shows that the that the application of Julia Dooley was considered by the Cherokee Commission and rejected, the same being true of her mother and her sister, Louisiana Dooley.

The Commission gets jurisdiction over this case by reason of the applicant having received Cherokee Strip money, but no grounds whatever are seen authorizing the Commission to enroll her; therefore, the application for her enrollment is rejected. Her marriage to her husband was too late under the Cherokee law of December 25th, 1892 to entitle him to enrollment as a Cherokee citizen, and as developed in this case, he could not in any event have acquired rights to citizenship by intermarriage to his wife, who is shown not to possess such rights herself; therefore the application for his enrollment is rejected.

A copy of this testimony will be filed with Case "R" 531, the same being the case of William J. Jackson and his wife, Louisiana.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of February, A. D., 1901.

COMMISSIONER.

R. 532

"A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 8 1901

ACTING CHAIRMAN

Form 6

CHEROKEES BY BLOOD AND ADOPTION.

(39) Date Feb. 8, 1900.

Name Andrew H. Brown Catoosa Indian

District Year Page No.

Citizen by blood yes Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

(30) 2 Wife's name Jennie Brown

District Year Page No.

Citizen by blood yes Mother's citizenship Louisa Dorley a

Intermarried citizen no Malissa C. Dorley a

Married under what law Date of marriage

License Certificate

Parent No. 2.

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Executive Office Cherokee Nation.

Tahlequah, I. T.

I, E. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the names:

Caroline Beeley, No. 1967, (Husband Lewis Beeley, white) (Post Office Chouteau Springs Ga.)

George Webster Beeley, No. 1968.

Louisiana Beeley, No. 1969.

Julia Beeley, No. 1970, (Ancestor, Jane Crowell).

are to be found on the roll of Cherokee Indians taken "in compliance with an Act making appropriation for the sundry civil expenses of the Government, Approved August 7, 1882," as appears from copy of said roll filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 25th day of January, 1901.

(SEAL) E. W. Alberty.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., January 30, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of William J.Jackson et al for enrollment as citizens of the Cherokee Nation.

Commissioner.

R. 531.

Office Commission on Citizenship.
Tahlequah, Ind. Ter. Oct. 5, 188-

Docket No.	Names	age.	sex.	Post-office.	Attorney.
1.	Malissa Dooley	38	Female	Floyd Spgs, Ga.	
2.	Geo. W. Dooley	21	male		
3.	Louisanna Dooley	19	Female		A. E. Ivey.
4.	Julia Dooley	17	"		

1001.

Applicant for
Cherokee Citizenship.
Census Rolls 1835.
Ancestor,
Jane Gravett.

vs.

Cherokee Nation.

Office Commission on Citizenship,
Cherokee Nation Ind. Ter.
Tahlequah October 4th, 1889.

The application in the above case was submitted for the decision of the Commission on the 6th day of March last and has been held under advisement since for the proper identification of Malissa Dooley as the daughter of Jane Gravett but such evidence not having been furnished the Commission decide against the claimant Malissa Dooley 38 years of age and her Children, George W. Dooley 21 years, Louisana Dooley 19 years and Julia Dooley 17 years, Post Office Floyd Springs Georgia.

Will P. Ross, Chairman,
R. Bunch, Com.
J. E. Gunter, Com.

(SEAL)

E. G. Ross,
Clerk Commission.

Executive Office Cherokee Nation.
Tahlequah, Ind. Ter.

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of Cherokee Nation, on file in this Office and in my custody.
Given under my hand and the seal of the Cherokee Nation this the 16th day of January 1901.

B. W. Alberty,
Assistant Executive Secretary Cherokee Nation.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 30, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of William J. Jackson as a citizen of the Cherokee Nation.

Commissioner.

R. 581.

An Act making an appropriation for the benefit of persons resident of Tahlequah District omitted from the payrolls and from the distribution of the strip fund of the recent per-capita payment.

Be it enacted by the National Council:

That there by appropriated out of any money belonging either to the strip or general fund not otherwise appropriated the sum of two hundred and sixty-five dollars and seventy cents, for the benefit of each of the persons herein respectively named and the treasurer is hereby authorized to pay on the warrant of the principal Chief who is hereby directed to issue his preferred warrant accordingly, to wit:

1.	Eliza N. Bennell,	$265.70
2.	Lula Bennell,	265.70
3.	Mallisa Beeley,	265.70
4.	George W. Beeley,	265.70
5.	Louisiana Beeley,	265.70.
6.	Julia Beeley,	265.70

(Here follows 15 more names with the above amount set opposite each name and concludes as follows):

Passed the Senate Dec. 8th 1894.

J. C. Starr, Clerk of Senate. Richard M. Wolfe, President of Senate.

Concurred in by the Council with the following amendment:

Add the names of:

(Here follows 7 more names with like amounts set opposite each name as indicated above)

J. H. Dick, Clk of Council. V. Gray, Speaker of Council Pro. Tem.

Council amendment concurred in by the Senate Dec. 8th 1894.

C. W. Wyley, Clk of Senate. Richard M. Wolf, President of Senate.

Approved Dec. 8th 1894.

C. J. Harris,
Principal Chief C. N.

(SEAL)

Executive Office Cherokee Nation.
Tahlequah Ind. Ter.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy (except the omissions of names and amounts money as above stated) taken from the record of laws passed by the National Council and approved by the Principal Chief in the year of 1894 now on file in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 16th day of January, 1901.

B. W. Alberty,
Assistant Executive Secretary Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 30, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of William J. Jackson as a citizen of the Cherokee Nation.

Commissioner.

R-852.

Cuswacoowee, District.

To any Person Legally Authorized, Greeting:

A. H. Brown

Miss Julia Dooley

and you are required to

from the celebration

hereto and signed by you.

Given under my hand and seal of office, this 24th

Jany 97.

(Signed) Joe V. Lahay.

Seal. Cuswacoowee District

This is to certify that I joined in marriage Mr. A. H. Brown, and Miss Julia Dooley, the parties named herein.

This the 24th day of Jany 1897.

(Signed) Joe V. Lahay, Clerk.
Cuswacoowee District C. N.

Recorded on page 188 Book "E", Records of Marriages,
(SEAL) (Signed) Joe V. Lahay.

MARRIAGE LICENSE.

R-532.

CHEROKEE NATION, Cooweescoowee District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. A. H. Brown, a citizen of the United States, and Miss Julia Dooley a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 24th day of Jany 1897.

(Signed) Joe M. LaHay.

Seal. Clerk Cooweescoowee District

This is to certify that I joined in marriage Mr. A. H. Brown, and Miss Julia Dooley, the parties named herein.
This the 24th day of Jany 1897.
(Signed) Joe M. LaHay, Clerk.
Cooweescoowee District C. N.
Recorded on page 188 Book "E", Records of Marriages,
(SEAL) (Signed) Joe M. LaHay.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., August 8, 1908.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of A. H. Brown as citizen of the Cherokee Nation.

Frank S. Ostrander
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Julia Brown for the enrollment of herself and husband as citizens of the Cherokee Nation.

D E C I S I O N.

On the 8th day of February, 1901, Julia Brown appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen by blood, and for the enrollment of her husband as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence in this case that the applicant is the daughter of Louis Dooley and Melissa Caroline Dooley. It further appears that the applicant, Julia Brown, nee Julia Dooley, was declared entitled to her pro rata share of the Cherokee strip money by an act of the Cherokee National Council approved December 8, 1894, and that on the 4th day of October, 1889, the application of Julia Dooley, the applicant in this case, for admission to citizenship in the Cherokee Nation was denied by the Cherokee Commission on citizenship.

It further appears from the evidence in this case that the applicant was born in the state of Georgia, and lived there until some years ago, when she came to the Cherokee Nation, where she has since resided; that she was never admitted to citizenship in the Cherokee Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court on Appeal; that the applicant is not identified on any of the tribal rolls of the Cherokee Nation now in possession of the Commission, and that she was denied citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship.

The applicant's husband, Andrew H. Brown, is a white man; he was married to her on the 24th day of January, 1897, by virtue of a license issued by the authorities of the Cherokee Nation. Said Andrew H. Brown is not identified upon any of the tribal rolls.

The Commission is authorized to make rolls of citizenship of the

Cherokee Nation by the following provision of the act of Congress approved June 28, 1898:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The Cherokee law applicable in the case of the applicant's husband, Andrew H. Brown, was passed and approved by the Cherokee National Council on the 16th day of December, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and Chapter XII, Article XVI, Sections 650 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and evidence it appears that the application of Julia Brown for the enrollment of herself as a citizen by blood,

and for the enrollment of [illegible]
[illegible] of the Choctaw Nation, [illegible]
Ordination of the duly [illegible]

[illegible]

Dated at Muskogee, Indian Territory,
this 11 day of July, 1898.

Executive Office, Cherokee Nation,

Tahlequah, I.T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the names:

Caroline Dooley, No.1967, (Husband Lewis Dooley, white) [illegible]
[Postoffice Chrystal Springs, [illegible]

George Webster Dooley, No.1968

Louisiana Dooley, No.1969

Julia Dooley, No.1970 (ancestor, Jane Gravett),

are to be found on the roll of Cherokee Indians taken "in compliance with an Act Making Appropriation for the Sundry Civil expenses of the Government, Approved August 7, 1882," as appears from copy of said roll filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 25th day of January, 1901.

(SEAL) B. W. Alberty.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

Notary Public.

Muskogee, I. T. November 10, 1902.

(SEAL) Commission to the Five Civilized Tribes.
B. A. Ufford
Chickasaw Nation.

Chief Clerk of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the Enrollment Card of Chickasaw Freedmen, as appears of record in said Division, do hereby certify that the above and foregoing is a true and correct copy of the Enrollment Card of Chickasaw Freedmen, as appears of record in said Division.

Witness my official signature and seal of said Commission this the 10th day of November, 1902.

Chief Clerk to the Commission to the Five Civilized Tribes.

1881 Jane Graves
1883 Lemon Graves
1885 Cornelia Graves
1886 Mary Graves
1888 Caroline Graves
1889 John Graves
1888 Lucy Graves, who is to be found on the Chickasaw Roll of Chickasaw Freedmen, Dawes Commission, Muskogee, I. T. November 10, 1902.

B. A. Ufford
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-481

Executive Office Cherokee Nation,

Tahlequah, I.T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the names

1881 Jane Gravett
1882 James Gravett

1883 Cynthia Gravett
1884 Mary Gravett
1885 Caroline Gravett
1886 John Gravett
1887 Thomas Gravett, Are to be found on the Chapman roll of Cherokees east of the Mississippi River, taken in 1852 as appears from an authorized copy of said roll filed in this office and in my custody.

Given under my hand and seal of the Cherokee Nation this the 25th day of January 1901.

(SEAL) B. W. Alberty,
Assistant Executive Secretary Cherokee Nation.

Department of the Interior,

Muskogee, I.T., November 10, 1902.

Commission to the Five Civilized Tribes.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

Notary Public.

An act making an appropriation for the benefit of persons resident of Tahlequah District omitted from the payrolls and from the distribution of the Strip fund of the recent per capita payment.
Be it enacted by the National Council:

That there be appropriated out of any money belonging either to the Strip or General fund not otherwise appropriated the sum of two hundred and sixty-five dollars and seventy cents, for the benefit of each of the persons herein respectively named and the treasurer is hereby authorized to pay on the warrant of the principal Chief who is hereby directed to issue his preferred warrant accordingly, towit:

1, Eliza M. Donnell	$265.70
2, Nula Donnell	265.70
3, Malissa Dooley	265.70
4, George W. Dooley	265.70
5, Louisiana Dooley	265.70
6, Julia Dooley	265.70

(Here follows 43 more names with the above amount set opposite each name and concludes as follows):

Passed the Senate Dec.6th 1894.

J. C. Starr,
Clerk of Senate.

Richard M. Wolfe,
President of Senate.

Concurred in by the Council with the following amendment:
Add the names of:
(Here follows 7 more names with like amounts set opposite each name as indicated above)

J. H. Dick,
Clerk of Council.

V. Gray, Speaker of Council
Pro.Tem.

Council amendment concurred in by the Senate Dec.8th 1894.

C. W. Wyley,
Clk of Senate.

Richard M. Wolf,
President of Senate.

Approved Dec.8th 1894.

(SEAL)

C. J. Harris,
Principal Chief C.N.

Executive Office Cherokee Nation,
Tahlequah, Ind. Ter.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy (expect the omission of names and amounts money as above stated) taken from the record of laws passed by the National Council and approved by the Principal Chief in the year of 1894 now on file in this office and in my custody.
Given under my hand and the seal of the Cherokee Nation this 16th day of January, 1901.

B. W. Alberty,
Assistant Executive Secretary, Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct copy of a certified copy on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

B.C. Jones

Cherokee R-832.

COPY.

Muskogee, Indian Territory, July 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Julia Brown for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, Andrew M. Brown, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, of date July 11, 1902, rejecting said application.

Respectfully,

Tams Bixby.
Acting Chairman.

1 Inclosure.
R-19.

Copy.

COPY.

Cherokee R-532.

Muskogee, Indian Territory, July 11, 1902.

Julia Brown,

Catoosa, Indian Territory.

Madam:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself as a citizen by blood, and for the enrollment of your husband, Andrew H. Brown, as a citizen by intermarriage of the Cherokee Nation.

Copy of the proceedings in this case has heretofore been furnished your attorney of record, J. M. LaHay, Claremore, Indian Territory. Copy of the decision is this day mailed to him.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Register.

Enc. H-16.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-532.

Muskogee, Indian Territory, July 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Julia Brown for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, Andrew H. Brown, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-18.

Copy.

COPY.

Cherokee R-532.

Muskogee, Indian Territory, July 11, 1902.

J. M. LaMay,

Attorney for Julia Brown, et al,

Claremore, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Julia Brown for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, Andrew H. Brown, as a citizen by intermarriage of the Cherokee Nation, in which case you appear as attorney of record for the applicants. A copy of the record in this case has heretofore been furnished you.

The decision, with a copy of the proceedings had, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informedof the same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Register.

Enc. H-20.

BES.

HAIRMAN

Refer in reply to
the following:
Land
42029-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, July 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 11, 1902, by the Commission to the Five Civilized Tribes, forwarding the application of Julia Brown for the enrollment of herself and her husband as citizens of the Cherokee Nation.

It appears that Julia Brown is a Cherokee by blood and that her husband, to whom she was married January 24, 1897, is a whiteman. Her claim to membership rests on her Cherokee blood and on the fact that she was entitled to a prorata share in the Cherokee strip money under the Act of December 8, 1894. She was born, it seems, in the State of Georgia; lived there until about 1889, when she came to the Cherokee Nation, where she has since resided, and that on October 4, 1899, she was denied citizenship by the Cherokee citizenship commission.

The Commission is of the opinion that it has no authority to enroll the applicant as a citizen of the Cherokee Nation.

This office agrees with that opinion and respectfully recommends that the Commission be advised that it's decision is affirmed.

Very respectfully,

Your obedient servant,

A. G. [illegible],

Acting Commissioner.

KEV
J

3 inclosures.

D. C. No. 12522-1902.

L. R. S. 48124 [illegible]

I. T. D. 4474-1902. DEPARTMENT OF THE INTERIOR.

Washington, July 29, 1902.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of the record in the matter of the application of Julia Brown, for the enrollment of herself and her husband, Andrew N. Brown, as citizens of the Cherokee Nation.

Said application was rejected. In your decision it is stated that the applicant Julia Brown, is a daughter of Louis Dooley and Melissa Caroline Dooley; that she was declared entitled to her pro rata share of the Cherokee strip money by an act of the Cherokee National Council approved December 8, 1894, and that on the 4th day of October, 1899, the application of Julia Dooley, the name of this applicant prior to her marriage, for admission to citizenship in the Cherokee Nation was denied by the Cherokee Commission on citizenship; that said applicant was born in the State of Georgia, and resided there until some years ago, when she came to the Cherokee Nation, where she has since resided; that she was never admitted to citizenship in the Cherokee Nation by tribal authority or the Commission; that the applicant is not identified on any of the tribal rolls of the Cherokee Nation now in possession of the Commission, and that she was denied citizenship in the Cherokee Nation by the Cherokee Com-

mission on citizenship; that the husband of said applicant, Andrew N. Brown, is a white man, and was married to said Julia Brown on January 24, 1897, under a license issued by the authorities of the Cherokee Nation; that said Andrew N. Brown is not identified on any of the tribal rolls.

Reference is made by your Commission to the act of June 28, 1898 and the act of the Cherokee Nation approved December 16, 1898, which declares:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

The Commission held that under the provisions of said act, the application of Julia Brown for the enrollment of herself and her husband must be denied.

On July 22, 1902, the Acting Commissioner of Indian Affairs forwarded said record and recommended that your decision be affirmed. A careful examination of the record shows no error; said decision is affirmed and said application is accordingly rejected.

A copy of the report of the Acting Commissioner of Indian Affairs is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

COPY.

Cherokee R 518.

Muskogee, Indian Territory, August 13, 1902.

Julia Brown,

Catoosa, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of July 11, 1902, rejecting your application for the enrollment of yourself and your husband, Andrew N. Brown, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 29, 1902.

Very respectfully,

Tams Bixby.

Acting Chairman.

COPY.

Cherokee R 888.

Muskogee, Indian Territory, August 18, 1902.

Joe W. La May,

Attorney for Julia Brown, et al.,

Claremore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of July 11, 1902, rejecting the application for the enrollment of Julia Brown and Andrew H. Brown as citizens of the Cherokee Nation, in which case you appear of record as attorney for applicants, was affirmed by the Secretary of the Interior on July 29, 1902.

Very respectfully,

Tams Bixby.

Acting Chairman.

COMMISSIONERS
Henry L. Dawes
Tams Bixby,
Thomas B. Needles
C. R. Breckinridge

Allison L. Aylesworth
Secretary.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee 2 532.

Muskogee, Indian Territory, August 12, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of July 11, 1902, rejecting the application for the enrollment of Julia Brown and Andrew H. Brown, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 29, 1902.

Very respectfully,

Tams Bixby

Actinf Chairman.

Cherokee R. 582.

Muskogee, Indian Territory, August 18, 1908.

Julia Brown,

Catoosa, Indian Territory.

Madam:

When you applied to this Commission for the enrollment of yourself and family as citizens of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on January 24, 1897, to A. H. Brown.

The same is herewith returned to you, a copy having been made and retained in the Commission files.

Yours truly,

Acting Chairman.

Enclosure,
D-36.

Land.
48194-1902.
43739-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 29, 1902 (I.T.D. 4477-1902) I have the honor to enclose a letter from William Henry White, attorney, Washington, D.C. dated June 5, 1905, transmitting a motion for review in the Cherokee citizen enrollment case of Julia Brown et al.

The record is also enclosed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.M.
W.

D.C.44800 J.W.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.7165-1906. October 8, 1906.

J.P.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the action of the Department of October 2, 1906, in the Cherokee citizenship case of Malissa Dooley, which was based upon the opinion of the Assistant Attorney General in that case, the motion for rehearing in the case of Julia Brown, et al, of the filing of which motion your office was advised July 1, 1906, is denied.

A copy of the Indian Office letter of June 12, 1906, submitting said motion is inclosed.

The papers have been returned to the Indian Office, which will advise the local attorney of the action taken herein.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inc. & 7 to Ind. Of.

Through the Commissioner
of Indian Affairs.

Cherokee 2
Dec.

Muskogee, Indian Territory, October 18, 1906.

Julia Brown,

Coweta, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorney for a rehearing in your Cherokee enrollment case, was denied by the Secretary of the Interior, October 5, 1906.

Respectfully,

Commissioner.

LMC

Cherokee R.
838.

Muskogee, Indian Territory, October 13, 1906.

William Henry White,
Attorney for Julia Brown,
416 5th St., N. W.,
Washington, D. C.

Dear Sir:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee enrollment case of Julia Brown, was denied by the Secretary of the Interior, October 5, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-41
LMC

Cherokee R.
838.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 18, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee enrollment case of Julia Brown, was denied by the Secretary of the Interior, October 5, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-42
LMC

COMMISSION
RECEIVED UNDER
IZED TRIBES.
MAR 1 1902

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NICHOLAS,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, Ind. Ter., January

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Andrew H. Brown, et al. for enrollment as citizens of the Cherokee Nation.

No. R-532

WILLIAM HENRY WHITE,
Attorney at Law,
COLUMBIAN BLDG. 410 9th ST., N. W.,
Washington, D. C.

June 5, 1906.

RECEIVED of the Commission to the Five Civilized Tribes copy of testimony in re application of Julia Brown, applicant for Cherokee citizenship.

Wm Henry White

Cher R 533

Cher R 533

Chor R 333

R 533 a

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 13 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

In the matter of the application of David B. Camak for enrollment as a citizen of the Cherokee Nation; said Camak being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A David B. Camak.
Q How old are you? A About 65.
Q What is your post office? A Eagle.
Q In what district do you live? A Ceoweescoowee.
Q Do you want to enroll yourself and family? A Just myself, I get no family.
Q Are you a Cherokee by blood? A No, sir.
Q White man? A White man.
Q Claim to be an intermarried citizen? A Yes, sir.
Q Have you your marriage license and certificate? A Yes, sir.
Q This paper is an affidavit from somebody that they say a registered package and that the package contained a copy of your marriage record; I would not accept an affidavit in the first place, and this would not be of any value if I did accept it. If you have been before the Dawes Commissi on that will settle the matter without regard to your marriage license.

Com'r Breckinridge:--The applicant presents a certificate signed by the Clerk of Ceoweescoowee district, on the 11th day of December, 1896, giving a copy under date of January 8th, 1874, of the records of that district showing that license of marriage was issuedm to D. B. Carmack, a citizen of the United States, to marry Mary Jane Brewer, a citizen of the Cherokee Nation, the same being issued by H. L. Foreman, district Clerk.

Q Your wife is dead, is she? A Yes, sir.
Q She was a Cherokee by blood? A Yes, sir.
Q When did she die? A '80 I believe.
Q Did you live with her from the time of your marriage until she died? A Yes, sir.
Q Were you ever married before you married her? A No, sir.
Q Have you married since she died? A Yes, sir.
Q To whom have you married since she died? A I married an Indian woman.
Q What is her name? A Her name is Nettie Rail; she was born and raised in the Cherokee Nation.
Q When did you marry her? A About six years ago, I don't remember the date.
Q Is she still living? A Yes, sir.
Q Are you living with her? A No, sir, the marriage wasannulled shortly after our marriage; it was a case of bringing May and December together.
Q Did you get a di vorce from her? A Yes, sir.
Q Have you a copy of the decree of divorce? A No, sir.
Q How long did you and she live together? A About six months; she got the divorce.
Q Have you married since you and this woman Nettie married? A No, sir, I am single.
Q Was Rail her maiden name? A Yes, sir.
Q How old is she now? A She's about twenty.
Q Give me the name of her father? A I don't know his given name, his name was Rail.
Q Is he dead? A I don't know.
Q The name of her mother? A Her mother was named ---
Q Well, her given name? A That's what I was trying to think of--- Hannah.

Q Was she a Cherokee woman? A She was a Munsie Indian, belonged to the six Tribes of New York Indians.
Q Is she dead? A No, sir, not unless she died lately.
Q You say Nettie Rail lived in the Cherokee Nation all her life?
A Yes, sir, born and raised in the Cherokee Nation.
Q Where isshe living now? A In the Osage Nati on; she went there.
Q Had she lived there before you married her A No, sir
Q Gone there since you married her? A yes, sir, she had an Aunt living there and went there.
Q Now, Mary Jane Brewer, is Brewereher maiden name? A Yes, sir.
Q Give me the name of her father? A William.
Q Is he dead? A Yes sir.
Q Give me the name of her mother? A I don't know her mother's given name.
Q Is she dead? A Yes, sir.
Q Was Mary Jane Brewer born in the Cherokee Nation? A Yes, sir.
Q Did she live here all her life? A Yes, sir
Q In what district were you living in 1880? A Cooweescoowee.

Tribal rolls of citizens of the Cherokee Nation examined, and the name of the applicant is not found thereon.

APPLICANT:--In 1880 they claimed they were not taking adopted citizens.
Q You were not admitted to enrollment then, in 1880? A I don't believe I was sir.
Q Was your wife living when that roll was being made? A Yes, sir; Schrimsher, I believe, was making the roll.
Q Your wife is not on that roll then? A No, sir.
Q What reason did they have for not putting your wife on the roll?
A I don't know.

Q They didn't put either of you on the roll? A No, sir.
Com'r Breckinridge to Roll Clerk: Do you find anything of Nettie Rail on the roll? A No, sir.
APPLICANT: She is not on any roll.
Q Who endorsed on this paper that you had already been enrolled?
A Edmiston & Merrell.
Q Did you give them ten dollars for endorsing that false statement on there? A Yes, sir, that is what I come here for. I ain't particulat whether I am on the roll; I have got a living whether I am on the roll or not.
Q This was put on here by Edmiston & Merrell? A Yes, sir.
Q And you say they collected ten dollars from you? A Yes, sir. I made application myself and they sent the papers back and said I had to verify the papers and I happened to be in Vinita and I t hought I had rather pay the ten dollars than to be bothered with i t, and I paid them the ten dollars.
Q And they told you that you were already enrolled and need not make any application? A Yes, sir; from what is written there I supposed I was already on the rolls. I didn't come down here as much to get on the roll as to find the truth of this thing.

Com'r Breckinridge:--The applicant is shown by the official c opy of the records of Cooweescoowee district to have been married to his wife, Mary Jane Brewer, in the year 1874. He states that t hey lived together from the time of their marriage until her death and that she was his first wife and he was her first husband. He

further states that they were both living at the time the roll of 1880 was made. Neither of them are found on that roll and the applicant states that they were refused enrollment at that time. He states that he has married only once since the death of his first wife. He is not identified upon the roll of 1896 and his last wife, Nettie Nail, is not identified on any roll, and it appears from the testimony that she is a Munsie Indian, otherwise called by him of the Six Tribes of New York, and she does not seem to possess any rights as a Cherokee, her status being that of a foreigner to the Cherokee Nation. If the applicant had been properly married to a Cherokee woman in the first instance, it would follow from the testimony that he would have lost his rights derived from the Cherokee woman by his second marriage; but from the fact that neither the applicant ~~nor~~ now his wife were admitted on the roll of 1880, application having been made by both of them for admission, the conclusion is clear that his first wife did not possess the Cherokee status indicated by the marriage record filed by the applicant. Inasmuch, however, as official evidence is filed of his having been married under a Cherokee license, he will be given the benefit of doubt and jurisdiction will be exercised in his case. His application is rejected and he will be listed upon a rejected card as an intermarried Cherokee.

The jacket in which this copy of the marriage record is enclosed the same showing evidence of having been endorsed by Edmiston & Merrell, alleged Attorneys of Vinita, Indian Terri tory, will be preserved, and it will be reported to the Commission with a copy of this testimony to be forwarded to the Secretary of the Interior to explain the practice of said attorneys; the jacket bearing what is alleged to be their endorsement, that the applicant was already enrolled, which is shown by the records as a false endorsement, and it appears to have been made for no good purpose.

---oooOOOooo---

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 13th day of February, 1901.

Commissioner.

R533

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 11 1901

ACTING CHAIRMAN

Commission of Southern Tribes Cherokees

CHEROKEES BY BLOOD AND ADOPTION.

(Not) Date Sept. 11th 1909

Name David B. Comak Eagles R. F.

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

R533 1-6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 11 1901

ACTING CHAIRMAN

DAVIS.

I hereby certify the above to be a true and correct copy of Marriage License as recorded in Book "A" Page 13 in Records of Marriage Licenses of Caowincoowee Dist. O.T.

This 11th day of Dec. 1894.

Jos M. Lahay
Clerk Caowincoowee Dist.
By R. Lee Cowan
Deputy Clerk.

R 633

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 13 1901

ACTING CHAIRMAN.

On the jacket enclosing the marriage record of the said David E. Cornsk, is found the following endorsement:

No. ___

David E. Cornsk,

vs. Eagle, I. T.

Cherokee Nation.

Ap. for enrollment.

Already enrolled.

This is useless.

Edmiston & Merrell,

Vinita, I. T.

No. 14.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 21 1901

ACTING CHAIRMAN

E

R 583

ORDER FOR CARD R. #833.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 16th, 1901.

Commissioner C. R. Breckinridge:

In the case of David B. Cannak, rejected card #833, it appeared in the testimony that an endorsement upon a document presented in that case to the effect that the party had already been enrolled and that the document was useless, was not made by the law firm of Edmisten & Merrell, of Vinita, as was testified and was supposed at the time, and this statement will be filed with said case to correct the impression that prevailed at that time and a copy of this order will be mailed to David B. Cannak in order to correct the impression and information that were held by him.

---ooo000ooo---

J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the above order and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rossen

Subscribed and sworn to before me this 20th day of February, 1901.

Commissioner.

[illegible] and t[illegible]
[illegible] of their [illegible]
[illegible] ship by the [illegible]
[illegible] their parents were [illegible]
they [illegible] right of all other [illegible]
[illegible] other rolls and omit all [illegible]
have been [illegible] by fraud or without authority [illegible]
enrolling [illegible] may have lawful right thereto, and
their descen[illegible] since such rolls were made, such
intermarried [illegible] persons are [illegible] entitled to citizenship
under Cherokee [illegible].

In view of the fact that the applicant is a white man and that neither of his said wives possessed any rights of citizenship, vested in the Cherokee Nation it is the opinion of this Commission that he has never acquired the rights of an "intermarried white person" "entitled to participate under Cherokee laws," and that he is not entitled to enrollment as such. The application therefore of David H. Cau[illegible] to be enrolled as a citizen by intermarriage of the Cherokee Nation will be denied, and it is so ordered.

[illegible] Commissioner.

Dated at Muskogee, Indian Territory,
this 21 day of [illegible] 190[illegible].

R 24

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the application of David B. Cusak, for enrollment as a citizen of the Cherokee Nation.

DECISION

It appears from the record in this case that David B. Cusak appeared before the Commission to the Five Civilized Tribes on the 11th day of October, 1901 and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. It appears from the evidence that the applicant is a white man; that he was married by authority of a Cherokee marriage license under date of January 8, 1874, to Mary Jane Brewer, alleged to be a citizen by blood of the Cherokee Nation. The applicant lived with his said wife from the time of his marriage until her death in 1880. It further appears that in 1895 the applicant was married to Nettie Rail; that he lived with her but a short time and was divorced from her. It further appears that he has not re-married since his divorce from his said wife Nettie.

It appears that neither the applicant nor his wife Mary Jane Cusak are identified on the authenticated Tribal roll of 1880, nor upon any other roll of the Cherokee Nation. Applicant testified that his wife Nettie Rail was a Muscie Indian and it appears that she is not identified on any of the tribal rolls of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following Act of Congress approved June 28, 1898 (30 States., 495):

"That in making rolls of citizenship of the [illegible] as required by law, the Commission to the Five Civilized [illegible] is authorized and directed to take the roll of [illegible] of eighteen hundred and eighty (not including [illegible] only full intended to be confirmed by [illegible] of Congress, and to enroll all persons [illegible] are found on said roll, and all descendants [illegible]

of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the fact that the applicant is a white man and that neither of his said wives possessed any rights of citizenship by blood in the Cherokee Nation it is the opinion of this Commission that he has never acquired the rights of an "intermarried white person" "entitled to citizenship under Cherokee laws," and that he is not entitled to enrollment as such. The application therefore of David B. Cassak, to be enrolled as a citizen by intermarriage of the Cherokee Nation will be denied, and it is so ordered.

Commissioners.

Dated at Muskogee, Indian Territory,
this 26 day of April 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR. 23 1902

ACTING CHAIRMAN.

COPY.

Cherokee R-533

Muskogee, Indian Territory, April, 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of David B. Camak as a citizen of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application for the enrollment of the said David B. Camak as a citizen of the Cherokee Nation.

Very respectfully,

T. B. Needles.
(SIGNED) Commissioner in Charge.

1 Encl. No. R-533.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 28 1902.

ACTING CHAIRMAN

Cherokee R-333

COPY.

Muskogee, Indian Territory, April 26, 1902.

Mr. David B. Comak,
Eagle, Indian Territory,

Sir:

Enclosed herewith please find a copy of the Commission's decision rendered April 26, 1902, in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

A copy of the record of the proceedings had in the matter of your application is herewith enclosed. You are informed that the Commission has on this day forwarded a copy of its decision to the Secretary of the Interior, with a copy of the proceedings, for his consideration and final decision.

The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

Very respectfully,

T. B. Needles.
(SIGNED). Commissioner in Charge.

Encl. R-28.
Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-321

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of David B. Comak for the enrollment of himself as a citizen of the Cherokee Nation.

Very respectfully,

Commissioner in Charge.

Encl. D-3.

D.C.8965-1902.

L.R.S. 31347 F.

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.2994-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 8, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application of David B. Camak for enrollment as a citizen by intermarriage of the Cherokee Nation - R 533 - and recommended that your decision of April 26, 1902, be approved.

It appears that applicant was married under authority of a Cherokee marriage license dated January 8, 1874, to Mary Jane Brewer, alleged therein to be a Cherokee citizen; that after her death he married one Nettie Rail, from whom he has since been divorced; that neither of his wives is enrolled as a citizen of the Cherokee Nation. You rejected the application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure. EMD

Refer in reply to
the following:
Land
25920-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of David B. Camak for enrollment as a citizen of the Cherokee Nation, by intermarriage.

The Commission on April 26, 1902, denied the application.

The applicant on January 8, 1874, was married to Mary Jane Brewer under the authority of a Cherokee marriage license which contained the statement that Mary Jane Brewer was a citizen of the Cherokee Nation. His first wife died in 1880, and in 1895 he was married to Nettie Rail, and was shortly thereafter divorced from her, and has not since remarried. The Commission reports that neither the applicant nor either of his wives are identified upon the 1880 pay-roll, and it bases its decision on the fact that the applicant was a whiteman and that neither of his wives possessed any rights by blood in the Cherokee Nation.

The only evidence which the applicant presents, and upon which he seems to base his right to enrollment, is the fact that it is stated in his said marriage license that Mary Jane Brewer was a Cherokee citizen.

This is not, in the opinion of the office, sufficient to fix her status as such.

It is recommended, in view of all the facts, that the decision of the Commissioner be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

3 inclosures.

Cherokee R-533.

Muskogee, Indian Territory, July 8, 1902.

Mr. David B. Comak,

Bagle, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Very respectfully,

(SIGNED).

Acting Chairman.

Commissioner in Charge.

Register.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-533.

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, I. T.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of David B. Camak for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Very respectfully,

Commissioner in Charge.

Cher R 534

Cher R 534

a

N 534

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 13 1901

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 8th, 1901.

IN THE MATTER OF THE APPLICATION OF George Dooley for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A George Dooley.
Q How old are you? A Thirty four.
Q What is your Postoffice? A Catoosa.
Q In what district do you live? A Coowesecowee.
Q Who is it you want to enroll? A Myself and family.
Q You have a wife? A Yes sir.
Q How many children? A Three.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Do you apply for your wife as a Cherokee by blood? A No sir.
Q She's a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About six years.
Q Have you ever been admitted to citizenship by the Cherokee Commission or Council, or by the Dawes Commission or by the United States Court? A Not that I know of; no sir.
Q You applied for admission, did you not, to the Cherokee Commission? A Not that I know of.

Com'r. C. R. Breckinridge: There appears in the case of Melissa Dooley, Cherokee Memorandum #257, rejected for lack of jurisdiction, an official copy of the records of the Cherokee Commission on citizenship, showing under date of October 4th, 1889 that certain persons applied for admission to the Cherokee citizenship, among them appearing the name of George W. Dooley, age given at that time twenty one years, and this application was rejected.

Q Have you a "W" in your name? A Yes sir.
Q Are you the son of Melissa Dooley? A Yes sir.

Com'r. C. R. Breckinridge: The name of Melissa Dooley also appears in this document just cited.

Q Well this George W. Dooley spoken of in this paper is you, is it not? A My name is George W., yes sir.
Q Application seems to have been made for the whole family?
A Yes sir.
Q Have you a sister, Julia? A Yes sir.
Q And a sister, Louisiana? A Yes sir.
Q So it appears that you or your family applied in 1889 and were rejected? A I don't remember; I don't dispute it but I don't remember.
Q You have never been admitted? A No sir.

Com'r. C. R. Breckinridge: This document is returned to its appropriate file.

Q Give me the name please of your wife? A Cerilda Dooley.
Q How old is your wife? A She's thirty five I believe.
Q When were you and she married? A I do not know as I can tell the date; I have to get the marriage license.

Com'r. C. R. Breckinridge: The applicant presents a license and certificate showing that he and his wife were married in accordance with law, in Gordon County, Georgia on November 17th, 1889. This is filed herewith.

Q Give me the name of your father please? A Louis Dooley.
Q He's living, is he? A Yes sir.
Q And your mother is Melissa? A Yes sir.
Q She's living? A Yes sir.

Q Have you and your wife lived together ever since you were married in 1889? A Yes sir.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the names of your children, please? A Esther, Jennie and Birtie.
Q How old is Esther? A She was born in 1892.
Q Give me the name of the next child? A Jennie.
Q How old is she? A '95, she was born in '95.
Q The next child? A Two years old.
Q What is its name? A Birtie.
Q A girl? A Yes sir.
Q These children are all living now, are they? A Yes sir.
Q You received Cherokee Strip Money, did you not? A Yes sir.
Q Did any of your children receive it? A No sir.
Q Well, your child Esther is nine years old? A Yes sir.
Q Why did they not give it to that child? A She was never enrolled; she was not on that roll.
Q You were not on the roll either; you were not on any roll the child was not on? A I was on the '94 roll you know; the Payroll.
Q You do not know why they did not give it to that child? A No sir.

Com'rC. R. Breckinridge: In Case "R" #531, same being the case of William J. Jackson, et al there is filed an official copy of an Act approved December 18th, 1894, granting Cherokee Strip money to certain persons, among them appearing the name of George W. Dooley; this is considered equivalent to his being enrolledin 1894 and the document is returned to its appropriate file.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; it is shown that the applicant, now thirty four years of age, lived in the State of Georgia until six years ago, since which time he states he has lived in the Cherokee Nation; it is further shown that he and his mother made application for admission in 1889 to Cherokee citizenship and that the application was rejected by the Cherokee Commission on Citizenship; they have never been admitted by any tribunal and the applicant is not identified on the roll of 1896; neither is any member of his family identified on said roll; it is shown that the benefits of Cherokee strip money were extended to him by a special act of the Cherokee Council in 1894, but his oldest child who was of age to receive the benefits of that payment was not included in that Act. It is concluded that jurisdiction over this application is conferred by the fact cited, the applicant having received Cherokee Strip Money, but no ground whatever is seen upon which the applicant is entitled to enrollment at this time under the existing laws; therefore the application for his enrollment is rejected.

He is shown to have married his wife in the State of Georgia in 1889; he states that neither was previously married that that they have lived together ever since she came with him to the Cherokee Nation six years ago; she is not identified on the roll of 1896, but exercising the same jurisdiction in her case as has been exercised in the case of her husband, the application for her enrollment is rejected.

The three children named in the testimony are not identified upon any roll, only the youngest one, Birtie Dooley being too young to be upon the roll; these children are stated to be living now; they possess no rights not possessed by their mother or father and the application for their enrollment is rejected.

[illegible] DOCKET NO. [illegible]

[illegible]

[illegible]

[

N531 (B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 8 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. 6or.

CHEROKEES BY BLOOD AND ADOPTION.

(24)

1 Name George W. Dooley Date Sept. 6. 1902

District Catoosa Ga.

Citizen by blood yes Mother's citizenship Year ~~Page~~ No.

Intermarried citizen no Lonie Dooley

Married under what law Malissa " "

License Date of marriage

(35) Certificate

2 Wife's name Cerilda Dooley

District Year ~~Page~~ No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

3 Esther Dooley Dist. Year ~~Page~~ No. Age 8

4 Jennie " " Dist. Year ~~Page~~ No. Age 5

5 Bertie " " Dist. Year ~~Page~~ No. Age 2

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

DISREGARD

PREVIOUS

IMAGE

PARTMENT OF THE INTERIOR.
ION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 28 190

ACTING CHAIRMAN

MARRIAGE LICENSE

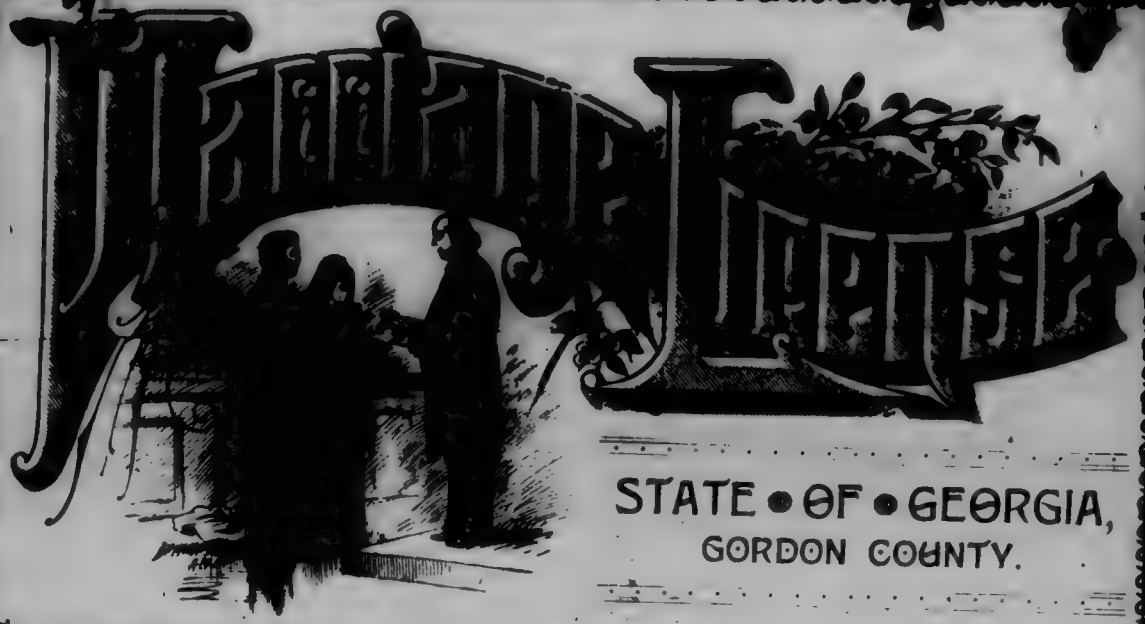
Issued 189

and recorded on Page

Book *of Marriage Licenses.*

Ordinary.

Marshall & Bruce, Stationers, Nashville, Tenn.



STATE • OF • GEORGIA,
GORDON COUNTY.

To any Judge, Justice of the Peace, or Minister of the Gospel:

YOU ARE HEREBY AUTHORIZED TO JOIN

George Dooley and Miss Cirilda Miller

in the Holy State of Matrimony, according to the Constitution and Laws of this State, and for so doing this shall be your License. And you are hereby required to return this License to me with your Certificate hereon of the fact and date of the Marriage.

Given under my hand and seal, this 15th day of November 1889.

W H Black (SEAL.)
ORDINARY.

CERTIFICATE

GEORGIA, GORDON COUNTY

I Certify that George Dooley and Miss Cirilda Miller were joined in Matrimony by me, this 17th day of Nov. Eighteen Hundred and ~~Ninety~~ Eighty Nine

John W. Swain N.O. J.P.
Ordinary.

Recorded July 14 1892

State of Georgia } I, T. H. Horkins
Gordon County } Ordinary in by Certify
That the above and foregoing
is an exact and Correct Copy of Page
435 and Book 'B' of Marriage Licenses
in my office
Witness my hand and Seal
of Office this 19th day of July 1897

T. H. Horkins
Ordinary
Gordon County Georgia

1967, Caroline Beeley
1968, George Webster Beeley
1969 Louisana Beeley,
1970 Julia Beeley,

I,B.W.Alberty,Assistant Executive secretary of the Cherokee Nation do hereby certify that the above names(The same included in a former certificate made by me) are and were copied from a copy of a Census roll, taken by Joseph G.Hester, and shows to have been taken "In compliance with an act of Congress approved August 7,1882, and marked on back of roll," List of persons Claiming to be of Cherokee bleed,East of the Mississippi River,"
" 1883 "
The words "Census List of the Cherokee Indians ,residing East of the Mississippi River,in compliance with an act making an appropriation for sundry civil expenses of the Government,approved August 7, 1882 is a copy" from the head of rolls from which names are copied; the above roll is filed(A copy) in the Executive Office of the Cherokee Nation.
Given under my hand and the seal of the Cherokee Nation,in Executive Office at Tahlequah I.T. on this the 20, day of November 1901.

B. W. Alberty
Assistant Executive secretary,

Cherokee Nation.

R. 222.

An Act making an appropriation for the benefit of persons resident of Tahlequah District omitted from the payrolls and from the distribution of the strip fund of the recent per-capita payment.

Be it enacted by the National Council:

That there by appropriated out of any money belonging either to the strip or general fund not otherwise appropriated the sum of two hundred and sixty-five dollars and seventy cents, for the benefit of each of the persons herein respectively named and the treasurer is hereby authorized to pay on the warrant of the principal Chief who is hereby directed to issue his preferred warrant accordingly, to wit:

1.	Eliza E. Bennell,	$265.70
2.	Emle Bennell,	265.70
3.	Mallisa Dealey,	265.70
4.	George W. Dealey,	265.70
5.	Louisiana Dealey,	265.70
6.	Julia Dealey,	265.70

(Here follows 48 more names with the above amount set opposite each name and concludes as follows):

Passed the Senate Dec. 6th 1894.

J. C. Starr,
Clerk of Senate.

Richard M. Wolfe,
President of Senate.

Concurred in by the Council with the following amendment:
Add the names of:
(Here follows 7 more names with like amounts set opposite each name as indicated above)

J. H. Dick,
Clk of Council.

V. Gray, Speaker of Council
Pro. Tem.

Council amendment concurred in by the Senate Dec. 8th 1894.

C. W. Wyley,
Clk of Senate.

Richard M. Wolf,
President of Senate.

Approved Dec. 8th 1894.

C. J. Harris,
Principal Chief C. N.

(SEAL)

Executive Office Cherokee Nation.
Tahlequah Ind. Ter.

I, B. W. Alberty. Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy (except the omissions of names and amounts money as above stated) taken from the record of laws passed by the National Council and approved by the Principal Chief in the year of 1894 now on file in this office and in my custody.
Given under my hand and the seal of the Cherokee Nation this the 16th day of January, 1901.

B. W. Alberty,
Assistant Executive Secretary Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 30, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Andrew H. Brown as a citizen of the Cherokee Nation.

[illegible]
Commissioner.

N. 888.

Office Commission on Citizenship.
Tahlequah, Ind. Ter. Oct. 8, 188-

Docket No.	Names	age.	sex.	Post-Office.	Attorney.
1.	Nalissa Dooley	28	Female	Floyd Spgs, Ga.	
2.	Geo. W. Dooley	21	male		
3.	Louisanna Dooley	19	Female		
4.	Julia Dooley	17	"		A. N. Ivey.

1881.

Applicant for
Cherokee Citizenship.
Roll 1880.
Ancestor,
Jane Grayett.

vs.

Cherokee Nation.

Office Commission on Citizenship,
Cherokee Nation Ind. Ter.
Tahlequah October 4th, 1888.

The application in the above case was submitted for the decision of the Commission on the 6th day of March last and has been held under advisement since for the proper identification of Nalissa Dooley as the daughter of Jane Grayett but such evidence not having been furnished the Commission decide against the claimant Nalissa Dooley 28 years of age and her children, George W. Dooley 21 years, Louisanna Dooley 19 years and Julia Dooley 17 years, Post Office Floyd Springs Georgia.

Will P. Ross, Chairman,
(SEAL) N. Busch, Com.
J. E. Carter, Com.

E. O. Ross,
Clerk Commission.

Executive Office Cherokee Nation.
Tahlequah, Ind. Ter.

I, E. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of Cherokee Nation, on file in this Office and in my custody.
Given under my hand and the seal of the Cherokee Nation this the 16th day of January 1901.

E. W. Alberty,
(SEAL) Assistant Executive Secretary Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 30, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Andrew H. Brown as a citizen of the Cherokee Nation.

[redacted]

N. 124.

Executive Office Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the names:

Caroline Dooley, No. 1967, (Husband Lewis Dooley, White) (Post Office Chrystal Springs Ga.)

George Webster Dooley, No. 1968.

Louisiana Dooley, No. 1969.

Julia Dooley, No. 1970, (Ancestor, Jane Grayett).

are to be found on the roll of Cherokee Indians taken "in compliance with an Act making appropriation for the sundry civil expenses of the Government, Approved August 7, 1888," as appears from copy of said roll filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 25th day of January, 1901.

(SEAL) B. W. Alberty.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., January 30, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of George W. Dooley et al for enrollment as citizens of the Cherokee Nation.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 23 1902
ACTING CHAIRMAN.

R-634

Department of the Interior,

Commission to the Five Civilized Tribes.

In thematter of the application of George W. Dooley for the enrollment of himself and his three minor children, Esther Dooley, Jennie Dooley and Birtie Dooley, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Cerilda Dooley, as a citizen by intermarriage of the Cherokee Nation.

DECISION

On the 8th dayof February, 1901, George W. Dooley appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his three minor children, Esther Dooley, Jennie Dooley and Birtie Dooley, as citizens by blood of the Cherokee Nation, and for the enroll ment of his wife, Cerilda Dooley as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence in this case that the applicant is the son of Louis Dooley and Melissa Dooley; that by an act of the Cherokee National Council of date December 8th, 1894, he was declared entitled to his pro rata share of the Cherokee Strip money, and received the amount, Two Hundred Sixty-five and 70/100 ($265.70) Dollars; that his name appears on the Cherokee roll of 1882, taken "in compliance with an act making appropriation for the sundry civil expenses of the Government, approved August 7, 1882," and that on the 4th day of October 1889 the application of George W. Dooley for admission to citizenship in the Cherokee Nation was denied by the Cherokee Commission on Citizenship.

It further appears that the applicant was not a resident of the Cherokee Nation when the Cherokee roll of 1882 was made "in compliance with an act making appropriation for the sundry civil expenses of the Government, approved August 7,1882," as he did not come to the Cherokee Nation until some six years prior to the date of this application; that he was never admitted to citizenship in the Cherokee Nation by the Tribal authorities of said Nation.

The records of the Commission made in accordance with an act of Congress approved June 10,1896, fail to disclose that either the applicant or any of the members of his family were ever admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes or the United States Court on appeal.

Neither the applicant, his wife, nor his children, are identified upon any of the tribal rolls of the Cherokee Nationin the possession of this Commission.

The applicant's wife, Cerilda Dooley, nee Miller, is a white woman; she was married to said George W. Dooley on the 17th day of November, 1889, by virtue of a license issued by W.W. Black, Ordinary, County of Gordon, State of Georgia.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required bylaw, the Commission to the Five Civilized Tribesis authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on anyother rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the evidence in this case and the provision of the law above quoted, it is the opinion of this Commission that the application of George W. Dooley for enrollment of himself and his three minor children, Esther Dooley, Jennie Dooley and Birtie Dooley, as citizens by blood of the Cherokee Nation, and for the

enrollment of his wife, Berlida Rackley as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

C. R. Breckinridge.

Dated at Muskogee, Indian Territory,
this the 24 day of April, 1902.

IN THE DEPARTMENT OF THE INTERIOR.

In re Application of Julia Brown (Dooley) for enrollment as a Cherokee citizen.

MOTION FOR REVIEW AND CONSOLIDATION.

Now comes the applicant by her attorney and moves that the decisions of the Commission and Department herein be set aside and a new hearing granted and had, and that it be consolidated with the Maliza Dooley case, for the following reasons:

1. The Department on May 23, 1906, remanded for readjudication the case of Maliza Dooley, et al. Maliza is the mother of Julia Brown, the principal applicant. An affidavit filed in the Maliza Dooley case shows that she is the daughter of one Jane Gravette, whose name appears upon the printed list of those admitted and readmitted to citizenship in the Cherokee Nation in 1880 and since that year, as follows:

"Gravette, Jane, 73, female; admitted by com May 15, '88"

2. The record shows that the principal applicant had been residing in the Cherokee Nation for six years before February 8, 1901, which would make her removal to the Cherokee Nation before the expiration of six months after the Act of December 4, 1894.

3. There is also to be found in the record in the case that the Commission on Citizenship on October 4, 1898, decided against the "claimant Maliza Dooley 38 years of age and her children, George W. Dooley 21 years, Louisiana Dooley 18 years and Julia Dooley 17 years," merely because the applicants did not at that time properly identify Maliza Dooley as the daughter of Jane Gravette. There was no evidence, it seems, to the contrary and they were not admitted. Upon reopening there was no evidence to support it.

4. There will also be found in the record a certificate from the executive office of the Cherokee Nation that the names of Nelissa Dooley (no Cherokee) George W., Louisiana and Julia Dooley "are to be found on the roll of Cherokee Indians but on in compliance with an act making appropriation for the ordinary civil expenses of the government approved August 7, 1886." It also appears that the names of Nelissa, George W., Louisiana and Julia appear in the "act making an appropriation for the benefit of persons resident of Tahlequah District omitted from the pay rolls and from the distribution of the strip fund," and that there was appropriated to each of them the sum of $200.70 and the treasurer directed to pay the same. On this showing there can be no doubt that under the Cases Caldwell, Jesse Lowe, Sarah Setzer, Lizzie Jackson, and many other cases, these applicants are all entitled to enrollment. The principal applicant was enrolled in 1880 and in 1884 with her mother, Nelissa Dooley, who was at that time a citizen of the Cherokee Nation. Although there had been no formal adoption of her by name, yet her mother was admitted and she was entitled to citizenship as her mother's descendant and was lawfully enrolled. I respectfully ask, therefore, that this case be remanded for readjudication with the Nelissa Dooley case and that it be consolidated with that case, as the same questions are involved and as all claim the same common source of right.

Respectfully submitted,

Attorney for Applicants.

DEPARTMENT OF THE INTERIOR.

In Re application of George W. Dooley, et al., Louisiana Jackson, et al., and Julia Brown, et al., for enrollment as citizens of the Cherokee Nation, upon motion for review and reconsideration.

Reply of the Cherokee Nation.

The testimony in this case tends to show that Malissa A. Dooley was 20 years of age in 1880, and that Louisiana Jackson, nee Dooley, was 19 years of age in 1880; that George W. Dooley was 21 years of age in 1880, and that Julia Brown, nee Dooley, was 17 years of age in the year 1880. Malissa Dooley, the mother of the applicant, was born in Georgia, where she was married and where all of her children were born, and none ever came to the Cherokee Nation so far as the testimony discloses until about six years before this application which was in 1902. There is no more definite time stated as to the exact time when they came to the Cherokee Nation. It is not contended that either of them ever saw the Cherokee Nation prior to that time. None one in 1880 represented them before the Cherokee Commission on citizenship, made application for their admission to citizenship and the Commission very properly rejected them, because they had never resided in the Cherokee Nation, never connected themselves with the tribe and were not then residents of the Cherokee Nation, in addition to any other reasons which the court may have had.

It is contended that they should be admitted because the alleged mother of Malissa Dooley was admitted in 1880. But the Curtis Act, Section 21, provides that the Commission shall "enroll all persons who have been legally admitted to citizenship by the tribal authorities and who were minors when their parents were so admitted."

Malissa Dooley was married more than 20 years before her alleged mother, Jane Drewitt, was admitted, because her best eldest child, George W. Dooley, was then 21 years of age, and she had lived separate and apart from her mother during all of these years and not a member of her mother's family, and we do not see how it could be contended that the principal applicant, Malissa Dooley or the grown children who are the applicants in these cases could claim any rights whatever through their alleged mother and grandmother, Jane Drewitt.

Second, it is contended that the names of these applicants appear upon the 1880 roll, enrolled upon the roll of 1896. But Section 21 of the Curtis Bill provides that all of these rolls shall be investigated by the Commission and the names of all persons who "might have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto." Can it be said that any of these parties born and reared in the State of Georgia were placed by authority of law upon the pay roll of 1880 or upon the pay roll of 1896, when neither had ever set foot upon Cherokee soil. We submit that the fact of their being on these

rolls or that these appropriations were made for them are evidences of the present fraud. How could either of them be entitled to be enrolled in 1896, when neither had ever been recognized as citizens of the Cherokee Nation or connected with the tribe. And what is said of 1896 can be said with equal force in 1904, because, according to the testimony, none of them ever came to the Cherokee Nation prior to 1896. But we hear that these parties made application for admission to citizenship in 1904, and our records show that they were rejected. Some of their names appear upon the 1896 roll, and we submit that they were properly rejected by the Commission and their rejection affirmed, and we also submit that the motion for rehearing and review in these cases should be refused.

Respectfully submitted,

Attorney for the Cherokee Nation.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-534.

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of George W. Dooley for the enrollment of himself and his three children, Esther, Jennie and Birtie Dooley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Cerilda Dooley as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Very respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 28 1902

ACTING CHAIRMAN.

COPY.

Cherokee R-534

Muskogee, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of George W. Dooley, Cerilda Dooley, Esther Dooley, Jennie Dooley, and Birtie Dooley as citizens of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

1 Encl. R-534.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDENBECK.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-324

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1908.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of the Commission's decision of date April 26, 1908, in the matter of the application of George W. Dooley et al, for enrollment as citizens of the Cherokee Nation.

Very respectfully,

Commissioner in Charge.

Encl. R-1.

[illegible] COMMISSION,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 23 1902

ACTING CHAIRMAN

Certified-Ind

Muskogee, Indian Territory, April 24, 1902.

Mr. George W. Dooley,

Gibson, Indian Territory.

Sir:

Enclosed herewith please find a copy of the Commission's decision rendered April 24, 1902, in the matter of your application for the enrollment of yourself and your three minor children, Esther Dooley, Jennie Dooley, and Martin Dooley, as citizens by blood of the Cherokee Nation; and for the enrollment of your wife Corilda Dooley as a citizen by intermarriage of the Cherokee Nation.

A copy of the record of the proceedings had in the matter of your application is herewith enclosed. You are also informed that the Commission has on this day forwarded a copy of its decision to the Secretary of the Interior, with a copy of the proceedings, for his consideration and final decision.

The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

Very respectfully,

Commissioner in Charge.

Encl. 2-Cd.
Register.

[illegible].

Refer in reply to
the following
[illegible]
[illegible].

[illegible] of the [illegible],
Office of Indian Affairs,
Washington, May 6, 1908.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 20, 1908, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of George W. Dooley for the enrollment of himself, and his minor children, Esther, Jennie and Birdie Dooley as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Cordelia Dooley, as a citizen by intermarriage of said nation.

The Commission on April 20, 1908, decided adversely to the applicants.

In regard to the application for his wife it is shown that she was not married to the applicant according to the Cherokee law; therefore, for that reason alone, she is not entitled to be enrolled. The records of the Commission and the tribal records fail to show that either Mr. Dooley or his children were ever enrolled as members of the Cherokee tribe of Indians, except in a certain roll of 1880 and also the pay-roll of 1894.

The names of the applicants are not on the 1880 roll and the principal applicant was denied admission on October 4, 1889 by the Cherokee citizenship commission.

Reviewing the above facts the office agrees with the Commission that the parties are not entitled to enrollment, and respectfully recommends that the Commission's decision be approved.

Very respectfully,

Your obedient servant,

A.C.Tonner,

Acting Commissioner.

WEV
D

3 inclosures.

D.C.8983-1902.

L.R.S.

31356

F.

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.2995-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 8, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application of George W. Dooley for enrollment of himself and children, Esther, Jennie and Birtie Dooley, as citizens by blood of the Cherokee Nation, and his wife, Cerilda Dooley, as a citizen by intermarriage - case R 534 - and recommended that your decision dated April 26, 1902, be approved.

You found that on October 4, 1889, the application of George W. Dooley for admission to citizenship in said nation was denied by the Cherokee Commission on Citizenship; that he never was admitted to citizenship by the tribal authorities, and that not one of the applicants can be identified upon any tribal roll of the Cherokee Nation; that George W. Dooley and Cerilda Miller, a white woman, were married in 1889 in accordance with the laws of the State of Georgia. You denied the application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD

COPY

Cherokee R-534.

Muskogee, Indian Territory, July 8, 1902.

George W. Dooley,

Cateena, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself and your three children, Esther, Jennie and Birtie Dooley as citizens by blood of the Cherokee Nation, and for the enrollment of your wife Cerilda Dooley as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

Acting Chairman.

Register.

COPY

Cherokee B-534.

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of George W. Dooley for the enrollment of himself and his three children, Esther, Jennie and Birtie Dooley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Cerilda Dooley as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 25th day of May, 1902.

Very respectfully,

(SIGNED) [illegible]

Acting Chairman.

WILLIAM HENRY WHITE,
Attorney at Law,
COLUMBIAN BLDG., 410 9TH ST., N. W.,
Washington, D. C.

June 5, 1905.

W. W. Hastings, Esq.,

Tahlequah, Ind. Ter.

Dear Sir:

Enclosed please find motions for review and consolidation in the following Cherokee cases:

George W. Dooley,

Julia Brown, and

Louisiana Jackson.

Yours very truly,

3 Enc.

William Henry White

Land.

31386-1902.

43741-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 26, 1902 (I.T.D. 2995-1902), I have the honor to enclose a letter from William Henry White, attorney at law, Washington, D.C. dated June 5, 1905, transmitting motion for rehearing in the Cherokee citizen enrollment case of George W. Dooley et al.

The record is also enclosed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D. C. 32786-1905. DEPARTMENT OF THE INTERIOR, J. F.
I. T. D. 7144-1905. WASHINGTON. June 29, 1905. FEW.
L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

A request has been made to reopen the Cherokee enrollment case of George W. Dooley, the subject of departmental letter of May 25, 1902, and to have it consolidated with the case of Melissa Dooley, et al., which was remanded to you May 2, 1905. Melissa Dooley is the mother of George W. Dooley.

Following the action of the Department of June 20, 1905, on a similar motion in the case of Louisiana Jackson, action upon the motion will be suspended to await the resubmission of the Melissa Dooley et al, case.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

D.C.44571

J.W.G.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.7144-1906.
J.P.

October 5, 1906.

The Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory.

Sir:

In view of the action of the Department of October 2, 1906, in the Cherokee citizenship case of Malissa Dooley, which was based upon the opinion of the Assistant Attorney General in that case, motion for rehearing in the case of George W. Dooley, of the filing of which motion you were advised June 29, 1905, is denied.

A copy of the Indian Office letter of June 12, 1905, submitting said motion is inclosed.

The papers have been returned to the Indian Office, which will advise the local attorney of the action taken herein.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

1 inc. & 7 to Ind. Of.

Through the Commissioner
of Indian Affairs.

Cherokee R.
534.

Muskogee, Indian Territory, October 15, 1906.

William Henry White,

Attorney for George W. Dooley, et al.,

416 5th St., N. W.,

Washington, D. C.

Dear Sir:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee enrollment case of George W. Dooley, et al., was denied by the Secretary of the Interior, October 5, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-40
LMC

Cherokee R.
534.

Muskogee, Indian Territory, October 15, 1906.

George W. Dooley,

Catoosa, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee enrollment case, was denied by the Secretary of the Interior, October 5, 1906.

Respectfully,

LMC

Commissioner.

Cherokee R.
534.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee enrollment case of George W. Beeley, et al., was denied by the Secretary of the Interior, October 5, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-52
LMC

WILLIAM HENRY WHITE,
Attorney at Law,
COLUMBIAN BLDG., 410 6TH ST., N. W.,
Washington, D. C.

June 8, 1905.

RECEIVED of the Commission to the Five Civilized Tribes copy of testimony in re application of George W. Dooley, applicant for Cherokee citizenship.

Wm Henry White

Cher R 535

Cher R 535

FEB 13 1900

BOARD OF TRUSTEES OF THE PUBLIC LIBRARY OF MISSISSIPPI

Received

ENTERED AS TO APPLICANT'S VIEW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 18th, 1902.

IN THE MATTER OF THE APPLICATION OF Charles P. Littlejohn for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Littlejohn being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Charles P. Littlejohn.
Q How old are you? A [illegible]
Q What is your post office address? A Sequoyah.
Q In what district do you live? A I live in Sequoyah District.
Q Who is it you want to enroll? A Myself and children.
Q You have no wife? A Yes, sir.
Q Do you want to enroll your wife too? A No, sir.
Q You are not living with her? A Yes, sir; she is adopted.
Q Well, when did you marry her? A '97.
Q How many children? A Two.
Q Well, you had better apply for your wife, because you have got to prove up her marriage; we can't enroll her but it is necessary to enroll the children? A Well.
Q Your wife is a white woman, is she? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A William Littlejohn.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Emma.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Maggie A.
Q How old is your wife? A 20 years old.
Q When did you marry her? A '97, August 22nd.
Q Have you a certificate of marriage? A No, sir.
Q Have you some one here who knows that you and she are husband and wife? A There is no one here that saw us married.
Q Who knows that you are living together as husband and wife?
A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you and she been living together ever since you married her?
A Yes, sir.
Q What was her name before you married? A Bateman.
Q Where were you married? A Married in Sequoyah District.
Q Give me the names of your children? A The oldest is William J.
Q How old is that child? A Two years old.
Q The next child? A Charles J.
Q How old is he? A Five months old.
Q They are both living now, are they? A Yes, sir.
Q Who is there here knows you and your wife have been living together? A My father.

WILLIAM N. LITTLEJOHN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name please? A William N. Littlejohn.
Q What is your P.O. address? A Muskogee, Indian Territory.
Q In what district do you live? A [illegible]
Q Are you the father of the applicant, Mr. Charles P.?
Q Your son Charles is married, isn't he? A Yes, sir.
Q When was he married? A I believe it was in '97.
Q Where was that married? A I believe it was in Sequoyah.
Q They were regularly married, were they? A [illegible] (Witness [illegible] the marriage.)
Q They have been living together as husband and wife ever since, have they? A Yes sir.

CHARLES W. LITTLEJOHN ET AL.

vs.

[illegible]

[illegible] of the Cherokee Nation, [illegible] and the applicant's name is found thereon as follows:

[illegible] W. W. Littlejohn, [illegible] Littlejohn, [illegible] Littlejohn, [illegible] Littlejohn, [illegible] Littlejohn, Employed Physician.

Com'r. C. R. Breckinridge has sustained the contention as set forth on the rolls of the Cherokee Nation, and he has listed in the Cherokee Roll of 1896, and [illegible] for enrollment as a Cherokee by blood.

His wife is a white woman, the children by his own lawful wife and by that of his father's [illegible] married to his wife in [illegible], neither was previously married, and they lived together over three years their marriage, and she will be listed as a citizen by adoption, but upon a rejected card, in accordance with the Cherokee law of November 14th, 1888, relating to intermarriage.

When the Commission is supplied with certificates of birth of the two children, William J. and Charles J., they will be listed for enrollment as Cherokees by blood.

J. O. Rosson, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 11th day of February, 1908.

Breckinridge

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 11 1901

ACTING CHAIRMAN.

Department of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb 11 1900.

Name Braughly R. T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Maggie A. Litterfoline

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

R535

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Maggie A. Littlejohn, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and thirty-five, it is entitled Maggie A. Littlejohn, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

11

(COPY)

(611)

CHEROKEE CASE No. 0.[illegible]

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. [illegible]

ALLEN L. ADAMS,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Maggie A. Littlejohn,
Brushy, Indian Territory.

Madam:

On the 11th day of February, 1901, your husband, Charles P. Littlejohn,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that [redacted] married on the [redacted] day of August, 1897, 1 o, to one Charles P. Little-John, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

Inclosure. As [redacted]

Register. Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *in the matter of the application of* Maggie A Littlejohn *for enrollment as citizen of the Cherokee Nation.*

Cherokee No. R 535

Attorney for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2147-1902.
D. C. 6888-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Maggie A. Littlejohn, R 535, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 8981-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 328, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-313

Muskogee, Indian Territory, April 17, 1902.

Maggie A. Littlejohn,

Drumby, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BREARINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-555.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Maggie A. Littlejohn, Cherokee No. R 555, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman

Cher R 536

Cher R 536

R536

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 13 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 21, 1906.

In the Matter of the application of Lewis R. Rufell for the enrollment of himself, wife and children as Cherokee citizens: he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Lewis R. Rufell.
Q How old are you? A 37 years old.
Q What is your postoffice? A Checotah.
Q In what district do you live? A Canadian district. Checotah is in the Creek Nation.
Q But you live in the Canadian district? A Yes sir.
Q Who do you want to enroll? A Myself and two children.
Q You have no wife? A Yes sir.
Q Don't you want to apply for her? A Yes sir, for all of them.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here in Muskogee; but al-ways which on my father's ranch in the Cherokee Nation until about four years ago.
Q And then what? A I moved to Checotah and run a blacksmith shop.
Q You moved there four years ago? A Yes sir.
Q Have you ever voted over there in the Creek Nation? A In the Cherokee Nation
Q Did you vote in the Creek Nation? A No sir.
Q Always considered yourself a Cherokee? A Yes sir.
Q You continued to vote in the Cherokee Nation all the time? A Yes sir.
Q Give me the name of your father. A George Rufell.
Q Is he dead? A No sir; he's living.
Q Give me the name of your mother. A Margaret Webb before she married.
Q Is she living? A Yes sir.
Q Are your father and mother living in the Cherokee Nation? A No sir, they live here in Muskogee.
Q Give me the name of your wife? A Lena J.
Q When did you marry her? A I married in 1897 I think.
Q How old is your wife A She a 24 years old.
Q What was her name when you married her? A Jones.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q You and she lived together ever since you were married? A Yes sir.
Q What are the names of your children? A Marion R. Rufell.
Q How old is that child? A Three years old last August.
Q And then your next child is Warren R.? A Yes sir.
Q He was one year old last December? A Yes sir.

The applicant presents a certificate showing that he was married on the 4th of May, 1897, to Lena Johns, a citizen of the United States by Judge W. S. Agnew, of Canadian district. This is filed herewith.

Q Your wife's name ought to have been put down in the certificate as Jones — they have, it wrong have they? A Yes sir.

The Cherokee Census roll of 1896 examined and the name of the applicant is found on page 83, No. 2318, as Lewis Rufell, in Canadian district.
The authenticated roll of 1880 examined, and the name of the applicant is not found thereon.

Q How comes it that you are not on the roll of 1880? A I don't know hardly. I left it to my mother I guess.
Q But I don't find your father on that roll? A No sir.

D- L.S.4.

Q. You were born in the Cherokee Nation? A. I was born in Muskogee. I staid on father's farm after I got old enough, about twenty-one miles from Muskogee in the Cherokee Nation.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife and two children. He states that he is a Cherokee, and that his wife is a white woman. He is identified on the roll of 1880 as a native Cherokee, but not upon the roll of 1896; nor is his father or mother identified on the roll of 1880. He states that he was born in Muskogee, in the Creek Nation, and that after he was old enough to be off the farm he lived on his father's farm in the Cherokee Nation until four years ago, since which time he has lived at Checotah where he follows the trade of a blacksmith. He states that he has voted at elections in the Cherokee Nation, and never at any elections in the Creek Nation. He will be listed for enrollment as a Cherokee by blood upon a doubtful card for the further consideration of his case, and reference is made to Case D-1041; the same being the case of his father, and also D -1043, the case of a brother. He is shown to have married his wife in 1897, too late under the Cherokee law of December 16, 1895, to entitle her to enrollment. He states that neither was previously married, and that they have lived together since their marriage. The application for her enrollment is rejected. When he presents satisfactory certificates of birth of the two children, Marion R. and Warren E. Sutall, these children will be listed for enrollment as Cherokees by blood upon the doubtful card with their father.

B.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

B. G. Rothenberger

Subscribed and sworn to before me this 13th day of February, 1901.

Commissioner.

R536

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 11 1901

Card

CHEROKEES BY BLOOD AND ADOPTIONS

Date Feb. 11 1909

Roberstah U.S.

Name

District Year Page No.

Citizen by blood Yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Lena Zapell

District Year Page No.

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes.

Married under what law Date of marriage

License Certificate

Names of Children

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 20 1902

Acting Chairman.

No. [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., [illegible] 20, [illegible].

In the matter of the enrollment of [illegible] for the enrollment of [illegible], [illegible] of the Chickasaw Nation.

Upon a review of the testimony and in the opinion of the undersigned the evidence, in [illegible] to the age of [illegible] who could not [illegible] the [illegible] [illegible] to be [illegible] [illegible] [illegible]

To whom it may concern Know ye, That I W. S. Agnew Judge of the District Court of Muskogee District Cherokee Nation doe by virtue of authority in me vested by law, this day unite in the bonds of matrimony Louis Surfall a, citizen of the Cherokee Nation and Iona Surfall(nee) Johns a citizen of the United States, this the 4th day of May A. D. 1897.

(Signed) W. S. Agnew, Judge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. August 8, 1902.

I, the undersigned as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and complete copy of the original offered in evidence in the matter of the application of Louis Surfall for enrollment as a citizen of the Cherokee Nation.

R-836

OFFICE DIST. JUDGE
CANADIAN DIST. C.N.

To whom it may concern Know ye , That I W. S. Agnew Judge of the District Court of Canadian District Cherokee Nation doe by virtue of authority in me vested by law, this day unite in the bonds of matrimony Louis Zufall a, citizen of the Cherokee Nation and Lena Zufall(nee) Johns a citizen of the United States, this the 4th day of May A. D. 1897.

(Signed) W. S. Agnew , Judge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. August 8, 1902.

I, the undersigned as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and complete copy of the original offered in evidence in the matter of the application of Louis Zufall for enrollment as a citizen of the Cherokee Nation.

Frances D. Bätzfield

COMMISSION TO THE FIVE CIVILIZED
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Lena J. Zufall, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 536, it is entitled Lena J. Zufall, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 536.

(Copy)

(41)

CHEROKEE CASE No. 8. 556.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENDIECK.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902

Mrs. Lena J. Zufall,

Checotah, Indian Territory.

Madam:

On the 11th day of February, 1902,

your husband, Lewis M. Zufall,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 4th day of May, 1897, , 1 0 , to one Lewis B. Zufall, alleged to be a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

Inclosure.

Register.

By (signed) [redacted] T. B. Needles.

A[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 11 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 11 1902 in the matter of the application of Lena J. Zufall for enrollment as a citizen of the Cherokee Nation.

W W Harlin
Attorney for Cherokee Nation.

Cherokee No. R. 536.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 21 1902

ACTING CHAIRMAN.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2142-1902.
D. C. 6222-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Lena J. Rufall, R 536, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 18, 1886, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
R. C. 8081-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-526

Muskogee, Indian Territory, August 12, 1902.

Lewis R. Zufall,

Checotah, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Lena J. Zufall as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on May 4, 1897, to Lena Zufall, nee Johns.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-14.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-336

Muskogee, Indian Territory, April 17, 1902.

Lena J. Bufall,

Chesetah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BREEDINGRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-556.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. V. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Lena J. Zafall, Cherokee No. R 556, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 537

Cher R 537

a R537

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 13 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 12th 1907.

In the matter of the application of Lorena Dyer for the enrollment of herself and six children as Cherokee citizens; she being first duly sworn before Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Lorena Dyer.
Q How old are you? A. I am 31.
Q What is your post office address? A. Enterprise, I.T.
Q Where is that? A. In the Choctaw Nation.
Q Are you living in the Choctaw Nation? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself and children.
Q Have you a husband? A. Yes sir.
Q Do you want to apply for your husband? A. No sir.
Q Just yourself and children? A. Yes sir.
Q How many children have you? A. Six.
Q These children are all under twentyone and unmarried are they? A. Yes, sir.
Q How you claim to be a Choctaw? A. Yes sir.
Q And you have applied for enrollment as a Choctaw to this Commission haven't you? A. Yes sir.
Q I understand that at present they have some doubt as to whether you should be enrolled as a Choctaw or as a Cherokee, and you want to find out how you stand? A. Yes sir.
Q Where have you lived all your life? A. I have lived in the Cherokee, Creek, Chickasaw and Choctaw Nations.
Q Where have you lived the most of your life? A. In the Choctaw Nation
Q Where have you lived for the past five years? A. Cherokee, Creek, Chickasaw and Choctaw.
Q Have you been living more than a year or two in any one Nation of late
A No sir.
Q All the time in the Indian Territory , but never more than a year or two in any one Nation? A. Lived most of the time in the Choctaw Nation.
Q Where have you been living for the last twelve months? A. In the Choctaw Nation.
Q How long have you been living now in the Choctaw Nation? A. Four years
Q Give me the name of your father? A. Daniel Graves.
Q Is he dead or alive? A. Dead.
Q Was he a Cherokee by blood? A. No sir a Choctaw.
Q Give me the name of your mother? A. Jennie Hilderbrand.
Q Was that her name before she married your father? A. Yes sir
Q Is she dead? A. No sir living.
Q Is she a Cherokee or aChoctaw? A. Cherokee.
Q By blood? A. Yes sir.
Q Full blood? A. Yes sir.
Q Where is she living at this time? A. In the Choctaw Nation.
Q How long has she lived there? A. Since the war.
Q Has she lived there ever since she was married to your father? A. Yes sir.
Q How many times were you married? A. Just one time.
Q When were you married? A. In '88.
Q To whom were you married? A. Joe Dyer.
Q He is living now is he? A. Yes sir.
Q Is he a Choctaw? A. No sir.
Q What is he? A. White man.
Q Have you and he lived together ever since you and he were married? A. Yes sir.
Q Have you a certificate of your marriage? A. No sir.
QHave you some one here who knows that you and he were married ? A. No sir
Q You have a certificate of marriage to Mr. Dyer filed in your Choctaw application haven't you? A. Yes sir.
QWhere did you marry your husband, in the Choctaw Country? A.,Yes sir.
Q Where were you born? A. In Blue County in the Choctaw Nation.

Q Did you live in the Choctaw Nation from the time of your birth until your marriage? A. Yes sir.
Q And most of the time since? A Yes sir.
Q Does your husband claim to be a Choctaw by inter-marriage? A. Yes sir
Q Where is he? A. Here.

JOSEPH E, DYER, called and sworn as a witness, testified as follows-

Q What is your name? A. Joseph E. Dyer.
Q How old are you? A. 38.
Q You are the husband of this lady here, Lorena Dyer? A. Yes sir.
Q You and she were married in 1888? A. Yes sir.
Q Do you claim to be a Choctaw citizen? A. I was married under Choctaw law.
Q Have you voted in the Choctaw Nation? A. Yes sir.
Q And own property there? A. Yes sir.
Q Make your home there? A. Yes sir.
Q Are you recognized as a citizen of the Choctaw Nation? A. Yes sir.
Q Are you on any of the rolls of the Choctaw Nation? A. I think I am.
Q And you claim to be a Choctaw citizen by intermarriage? A. Yes sir.

EXAMINATION OF APPLICANT CONTINUED BY THE COMMISSION:-

Q Have you ever had your name placed on any of the rolls of the Cherkee Nation? A. Yes sir.
Q Do you consider yourself as a Cherokee or as a Choctaw? A. I dont know.
Q Give me the names of your children please. A Joseph
Q How old is he? A. Eleven years old.
Q The name of the next child? A. Mary.
Q How old? A. Nine.
Q The next child? A. Jessie.
Q How old? A. Six.
Q Next child? A. Robert.
Q How old? A Three.
Q The next child? A. Fannie.
Q How old? A. Sixteen months.
Q The next child? A. Mammie.
Q How old? A. Sixteen months.
Q They were twins? A. Yes sir.
Q Are ~~all~~ these children all living now? A. Yes sir.
Q Did you draw Cherokee Strip money in 1894? A. Yes sir.
Q You got your money in 1894 by an act of Council passed after the roll was made? A. Yes sir.
Q You didn't go there and get enrolled----did you go back to the Cherokee Nation and ask anybody to be put on the roll? A. Yes sir.
Q Was that while the rolls were being made up? A. Yes sir.

ALINTON TELL, being called and sworn as a witne s, testified as follows-

Q What is your name? A. Alinton Tell.
Q What is your age? A. 41.
Q What is your post office? A. Atoka.
Q Do you know this lady here, Mrs. Dyer? A. Yes sir.
Q Do you know anything about how she got her Cherokee Strip money in 1894?
A I don't know anything personally; on information furnished me by a former Commissioner of the Choctaw Nation I am satisfied that she drew her money, but drew it by virtue of a special payment during the session

of the Cherokee Council following the Strip payment.
Q Her name is not found on the roll of 1894, is it your understanding that she was refused when she applied for enrolment then? A. Yes sir.
Q And that she afterwards got her money through a special act of Council? A. Yes sir.

EXAMINATION OF THE APPLICANT Continued by the Commission :-

Q Was your mother a full blood Cherokee? A. She was part white I don't know how much.
Q And she has lived in the Choctaw Nation ever since the civil war? A. Yes sir.
Q Is she recognized there as a Choctaw citizen? A. No sir.
Q Have you always been recognized as a Choctaw citizen? A. Yes sir.
Q Have you drawn money regularly there as a Choctaw citizen? A. Yes sir
Q You and your husband hold land there under Choctaw rights? A. Yes sir.

By Com'r Breckinridge:-

The applicant applies for the enrollment of herself and six children; she states that she is a native of the Choctaw Nation, and lived there from her birth until the time of her marriage, and has lived there partially since her marriage and continuously for the last four years. She states that her mother is a Cherokee woman and her deceased father a Choctaw citizen. She does not appear to have spent any material part of her life in the Cherokee Nation and she is not identified on any of the rolls of the Cherokee Nation in the possession of the Commission. The rolls of 1880, 1896 and 1894 having been examined for her and her children. She states that her change of name arising from her marriage is established by her marriage license and certificate filed with her application in the Choctaw Division of the Commission. She claims to have received strip money in 1894, which appears to have been granted her under a subsequent act of Council as a money grant to her and other persons though no official evidence of this fact is established. No ground is seen upon which this applicant or her children can be enrolled as Cherokees and no official evidence is before the Commission to even give it jurisdiction over the application, therefore the application for the enrollment of Lorena Dyer and her six children is rejected, she being given the extremest benefit of doubt in the exercise of the power of rejection upon the record, instead of rejection for lack of jurisdiction.

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R 537

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 12 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

1311

Date Feb. 12, 1900.

Name ~~Lorena Dyer~~ Enterprise I. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Lorena Dyer

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Parents not living

Jennie Hildebrand

Names of Children:

Joseph Dyer	Dist.	Year	Page	No.	Age 11
Mary "	Dist.	Year	Page	No.	Age 7
Jessie "	Dist.	Year	Page	No.	Age 6
Robert "	Dist.	Year	Page	No.	Age 3
Fannie "	Dist.	Year	Page	No.	Age 16 mo
Mamie "	Dist.	Year	Page	No.	Age 16 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

CORRECTION

THESE DOCUMENTS HAVE BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

1311

Date Feb. 12, 1900.

Name ~~Lorena Dyer~~ Enterprise Ga.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

3/1 Wife's name Lorena Dyer

District Year Page No.

Citizen by blood Mother's citizenship Parents not Daniel Graves

Intermarried citizen Jennie Hildebrand

Married under what law Date of marriage

License Certificate

Names of Children:

Joseph Dyer	Dist.	Year	Page	No.	Age 11
2 Mary "	Dist.	Year	Page	No.	Age 7
3 Hester "	Dist.	Year	Page	No.	Age [illegible]
4 Robert "	Dist.	Year	Page	No.	Age 3
5 Fannie "	Dist.	Year	Page	No.	Age 16 mo
6 Mamie "	Dist.	Year	Page	No.	Age 16 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

R537

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 12 1901

ACTING CHAIRMAN

Commission to the Five Civilized Tribes,

McAlester, I.T., Nov. 14, 1899.

In the enrollment of Joseph E. Dyer as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Joseph E. Dyer.
Q How old are you? A Thirty-five.
Q You claim to be an intermarried Choctaw citizen? A Yes sir.
Q What is the name of your Choctaw wife? A Laurena Graves was her maiden name.
Q You say she and her children were placed on a white card at Red Oak; was her mother a Cherokee? A Yes sir.
Q Have they been enrolled in the Cherokee Nation? A Yes sir.
Q Did you obtain a license to marry her? A Yes sir.
Q Where? A At David Perkins, in Blue County, near Boggy Depot.
Q He was Judge of that County at that time? A Yes sir.
Q And he issued you a license? A Yes sir.
Q Were you living in the Choctaw Nation? A Yes sir.
Q How long had you been living there? A About two years.

Examined by Chick Com'r Peter Maytubby:
Q When did David Perkins issue that license? A In 1888.

Com'r McKennon:
Q What became of the license? A When I got my license Henry Perkins was there; he was the clerk, and I paid him to record the license, paid him fifty cents, and when I married I mailed the license to him at Tulip, Texas; that was my nearest post-office; I was living on the Red River in the Territory.
Q Did you ever hear of it after that? A No sir.
Q Did you ever investigate to see if you could get a certified copy of the record? A Yes sir, and he claimed he never got the license; I am satisfied he got it.
Q They were lost them? A Yes sir.

Henry Byington being sworn and examined states:

Q What is your name? A Henry Byington.
Q How old are you? A Forty-eight.
Q What do you know about Dyer's license? A Mr. Dyer got me to see if I could get a certified copy of his license for him, and Henry Perkins told me that the license was lost or destroyed in some way; he couldn't find them; he said when he left the office he left them just that away, and when he come back he couldn't find them.
Q Where is Henry Perkins? A He is dead.
Q When was it you saw him? A He has been dead about a year I think.

Joseph E. Dyer re-called states:
Q Who performed the ceremony? A Parson Loyd, of Armstrong Academy.
Q This certificate you present, was it made at that time? A No sir.
Q When was it made? A In September I think.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M. D. Green.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 12 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, Indian Territory, December 11, 1900.

Choctaw Nation

vs

Choctaw D 266

Lorena Dyer

CONTENTION OF CHOCTAW NATION.

Question of Cherokee blood.

Lorena Dyer, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examined by A. Telle, attorney for applicant.

Q State your name and age? A Lorena Dyer.
Q How old are you? A I am thirty one.
Q Where do you live? A I live in the Choctaw Nation, Enterprise.
Q Enterprise is your post office? A Yes sir.
Q How long have you lived in the Choctaw Nation? A I have been living where I live now nearly four years.
Q Were you born in the Choctaw Nation?A Yes sir.
Q And raised in the Choctaw Nation? A Yes sir.
Q You are married, I believe? A Yes sir.
Q To whom are you married? A Joe Dyer.
Q Is he a white man? A Yes sir. He is a white man.
Q When were you married to him? A I was married the 28th of February, '98.
Q '98? A Yes sir.
Q Was that your first marriage? to him? A Yes sir.
Q You are sure that it was '98 that you were married? Two years ago?
A No, it was '89.
Q Who was your mother? A You mean her maiden name?
Q Who is your mother? A Jennie Kinghorn.
Q What is her nationality? A Cherokee.
Q Do you know whether or not she is on any Cherokee roll? A No,I don't.
Q Are you on any Cherokee roll that you know of? A I don't know whether I am or not.
Q Did you ever draw any money from the Cherokee Nation for any purpose? A Yes sir.
Q What money was that? A Strip money.
Q Was that the only money you ever drew? A Yes sir.
Q How many children have you? A I have six.
Q What are their names? A Jack, eleven; Mary, nine; Jessie, five; Robert, three; Fannie, fourteen months; Mamie, fourteen months.
Q The two latter are twins, are they? A Yes sir.
Q Did any of these children draw that Cherokee strip money? A The two eldest.
Q Who was your father? A Daniel Graves.
Q What was he? A He was Choctaw.
Q He was married to your mother, Mrs.Kinghorn? A Yes sir.
Q Was he married to her in this country? A Yes sir.
Q Have you any way of knowing about the date of his marriage?
A Only just from what he says, '68.
Q Then, if I understand you, your father was a Choctaw? A Yes sir.
Q Your mother is a Cherokee? A Yes sir.
Q And you don't know whether she is a recognized Cherokee or not?
A No sir, I dont know anything about it.

Q Do you know whether your mother's name appears on the 1880 roll of the Cherokee Nation or not? A I think not.
Q Has she ever been informed of that fact as far as you know?
A I don't know.
Q And you don't know of ever being on any roll except the Cherokee strip payment roll? A That is all.
Q Were you living in the Cherokee Nation at that time you drew the money? A No sir.
Q Living in the Choctaw Nation? A I was living in the Creek Nation
Q Are you related to the children of Julius C. Hampton, of Caddo?
A Yes sir.
Q In what way? A They are my nephews, the two eldest.
Q Now I understand you then, their mother was your sister. A My half sister.

Mr. Telle: The statement of Mrs. King with reference to the roll of these children was given in at Durant last year. I don't know whether the Commission would be willing to consider that in connection with this case or not, but they are exactly the same status.
Commission. Can't very well, unless it is in this case, at least we are so instructed.
Q What is the real name of your eldest boy? A His real name is Joseph Alfred. I give it to you Jack.

Witness excused.

Nancy Burris, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows on behalf of the applicant:

Examined by A. Telle.

Q What is your full name? A Burris.
Q Your full name? A Nancy Burris.
Q How old are you? A Well, I don't remember my age but I guess I am about seventy years old.
Q I will ask you if you knew Mrs. Lorena Dyer? A Yes sir.
Q Do you know her mother? A Yes sir.
Q Who is her mother? A Mrs.Kinghorn.
Q Did you know Mrs. Dyer's father? A Yes sir.
Q What was his name? A Daniel Graves.
Q What is the nationality of Mrs. Kinghorn? the mother of Mrs.Dyer?
A She is a Cherokee.
Q And what is the nationality of her father, Daniel Graves, what was he? A He was a Choctaw, full blooded Choctaw.
Q Do you remember about what time Mrs. Kinghorn came to this country?
A No sir, I don't. I don't remember.
Q About how many years ago was it with reference to the war? A It has been about fifty years I reckon. I don't remember how long.
Q Do you remember when Mrs. Kinghorn was married to Daniel Graves?
A Just as far as I can guess at it, it is sixty eight years ago.
Q Sixty eight? Sixty eight years or in '68? A Sixty eight years ago as far as I can remember.
Q Without reference to the time, you remember the circumstances that they were married? A Oh, yes I know about it.
Q Is there anything that you remember this by? A No sir. Welly she was going to marry from our house and the Judge didn't come and they went over to a man by the name of Felin Wally who was a Judge.
Q And they went over there to get married? A Yes sir, and then came back to my house.
Q You didn't see them married? A No, I didn't see them.
Q But they lived together as man and wife? A Yes they lived together right there where I live.
Q And were they commonly reputed to be married? A Yes sir.

Q And this Mrs. Lorena Dyer is a result of that marriage is she?
A Yes sir.

Witness excused.

Henry Byington, having been first duly sworn by Acting Chairman Tams Bixby, on his oath testifies as follows on behalf of the applicant.

Examined by A. Telle.

Q What is your name? A Henry Byington.
Q Residence? A Caddo.
Q What is your age? A I will soon be fifty years old, next month.
Q Are you acquainted with Mrs. Kinghorn? A Yes sir.
Q Do you remember when she came to this country? A I don't remember the exact time but it was war time. She came to this country refugees from the Cherokees.
Q Has she lived in this country continuously ever since that time?
A Mighty near continuously.
Q Do you know her daughter, Mrs. Lorena Dyer? A Yes sir, I know her.
Q She is a daughter of Mrs.Kinghorn is she? A Yes sir.
Q Do you know who her father was? A Her father was Daniel Graves.
Q He was Choctaw? A He was Choctaw.
Q Do you remember about the time that Joe Dyer married Lorena Graves?
A I don't remember exactly when but I think it was somewhere in year '88 or '89.
Q Do you remember any circumstances connected with this marriage with reference to his license? A His license was given him by the statement of intermarried, and I investigated the matter and Perkins made a statement that he had issued the license but it had been lost or destroyed, Perkins was County Clerk at the time.
Q And you investigated and the clerk said that he had taken out a license but it had been destroyed and there was not record of it?
A Never could find record of it.
Q You never saw the license yourself? A No, never saw it. I will make a little statement, I was present at the marriage. I went with the couple over to the County Judge.

Cross Examination by Mr. Cornish.

Q At whose marriage? A Daniel Graves and Lorena Kinghill, she was a Downing then.

Witness excused.

Joe Dyer, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicant as follows:

Examined by Mr. Telle.

Q What is your name? A Joe Dyer.
Q What is your age? A Thirty six.
Q Are you husband of Lorena Dyer? A Yes sir.
Q When were you married to her? A In '88.
Q Well, you have lived with her continuously since you married her?
A Yes sir.
Q You married her in the Choctaw Nation did you? A Yes sir.
Q I will ask you if you ever applied for Cherokee citizenship for your wife and children? A No sir, I never did.
Q Did you ever apply before the Dawes Commission? A Yes, excuse me, I never applied to the Cherokees, I did to the Dawes Commission last Summer, I wrote to the Dawes Commission at Muskogee, to know what had been demain our case and it was at the suggestion of the Commission that I appeared before the Commission at work in the Cherokee Nation, with your name signed to it, I started to take my wife

up there, and one of the children took sick and I went down myself.
Commission: Did you appear before them? A I appeared before them at Fort Gibson.
Q What did they say? A They examined the rolls and found my wife's and two eldest children on the strip roll, that is what all they could find, and they would not enroll them. The Cherokee Commissioners claimed that we had no right to citizenship there, that they were not governed by that roll.
Q Did they look to see if you were on the '80 roll? A Yes sir, looked on the '80 roll and the '96 roll.
Q And your wife and children appeared on the strip payment roll and upon none of the others? A No sir.
Q And on that information you left there? A They said I would just have to come back to the Choctaws.

Witness excused.

S. E. Lewis, having been first duly sworn, by Acting Chairman, Tams Bixby, testifies on behalf of the applicant, as follows:

Examined by A. Telle.

Q Well, What is your name? A S. E. Lewis.
Q What is your age? A Fifty nine years old.
Q You are one of the Choctaw Commissioners are you? A Yes sir.
Q I simply want to ask you with reference to what you know about the citizenship of Lorena Dyer and her children as Cherokees? A It has been some three years or four ago that Mr. Dyer came to me and got me to write up there-- he give me the name of a man who had charge of the Cherokee roll at that time, and inquired of him whether his family were on that roll, I don't know what praticular roll I asked him about, I think it was the '80 roll, and the man wrote back to me that it was considerable trouble to go over that number of names and if I would send some money he would go over them, and Mr. Dyer furnished me the money and I sent it to him and he furnished me a certificate that they were not on the roll and I gave it to Mr. Dyer; that has been about three years ago. That is all I know about it. He had moved into that neighborhood and there was some question about it.

Witness excused.

Anna Bell, having been first duly sworn , on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled cause on the 11th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

(Signed) Anna Bell

Subscribed and sworn to before me this 11th day of December, 1900.

(Signed) Tams Bixby

Acting Chairman.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 13 1901

R537

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 13 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., AUGUST 27, 1900.

In the matter of the application of Joseph E. Dyer for enrollment of his wife and children as citizens of the Cherokee Nation, said Dyer being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Joseph E. Dyer.
Q Your age? A 36.
Q Your postoffice address? A Enterprise.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q For whom do you apply? A My wife and children.
Q What is your wife,s name? A Lorena L.
Q What is her age? A 29.
Q What was her name before you married her? A Lorena L. Graves.
Q When did you marry her? A '88.
Q What was her fathers name? A Daniel Graves.
Q Was he a citizen of the Cherokee Nation? A No sir.
Q Is he living? A No sir.
Q What was her mother,s name? A Jennie Hilderbrand, was her maiden name.
Q Is she a citizen of the Cherokee Nation? A She is a Cherokee, but she has been in the Choctaw nation since during the war.
Q Is her name on the authenticated roll of '80? A I don't know.
The roll of '80 is examined and the name of Lorena Graves is not found thereon.
Q What are the names of your children? A Joseph A. , 11 years old.
Q Next? A Mary B., 9 years old.
Q Next? A Jessie, 6 years old.
Q Next? A James R., 3 years old.
Q Next? A Fannie, 1 year old.
Q Next? A Mamie, 1 year old. (Twins)
Q Are these children alive and living in the Cherokee Nation? A No sir they live in the Choctaw nation.
Q Always have lived there? A No sir, they lived part of the time in the Creek Nation.
Q Non of them ever have lived in the Cherokee Nation? A Yes, was in the Cherokee Nation about a year and a half.

Your application for the enrollment of your wife, Lorena Dyer, and her children as citizens of the Cherokee Nation is refused, for the reason that under the Act of Congress approved May 31, 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

Upon your written request the Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of September, 1900.

Commissioner.

[redacted]

CHEROKEES BY BLOOD AND ADOPTION

Date AUG 27 1909

1 Name: ~~Joseph E. Dyer~~ Enterprise

Citizen: Enrollment Rejected for want of

Intermarried citizen: jurisdiction "No Card"

Shoshoni citizenship law: Date of citizenship

Licensee: Certificate:

2 Name: Emma L. Dyer nee Graves

Shoshoni: Year 1896 Page No.

Citizen by blood: Mother's citizenship:

Intermarried citizen: parent: Daniel Graves

Shoshoni citizen when law: Date of citizenship: "

Licensee: Certificate:

Names of Children:

3 Joseph W. Dyer	Dist.	Year 1896	Page	No.	Age 11
4 Mary G. "	Dist.	Year	Page	No.	Age 9
5 Jessie "	Dist.	Year	Page	No.	Age 6
6 James P. "	Dist.	Year	Page	No.	Age 3
7 Samuel Twins "	Dist.	Year	Page	No.	Age 1
8 Manuel "	Dist.	Year	Page	No.	Age 1
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

4 cu

Cherokee R-337.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 14,1902.

In the matter of the application of Lorena Dyer for the enrollment of herself and her six minor children, Joseph A.Dyer, Mary Dyer, Jessie Dyer, James R.Dyer, Fannie Dyer and Annie Dyer as citizens by blood of the Choctaw Nation.	D-266.

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Lorena Dyer for the enrollment of herself and her minor children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration, and the said cause was, upon motion of the applicant, continued until the 14th day of April, 1902, without objection.

Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said continuance, the following proceedings were had.

APPEARANCES:

Lorena Dyer, the applicant in person.	No appearance on behalf of the Choctaw and Chickasaw Nations.
A. Telle, attorney for the applicant.	

Lorena Dyer, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name, Mrs. Dyer? A Lorena Dyer.
Q What is your present Post office address? A Russellville. It was Enterprise but they changed it to Russellville.
Q Choctaw Nation? A Yes sir.
Q How old are you? A I am thirty-three years old.
Q What is your husband's name? A Joe Dyer.
Q What was your maiden name? A Lorena Graves.
Q Lorena Graves? A Yes sir.
Q What was your father's name? A Daniel Graves.
Q Is he living or dead? A He's dead.
Q How long has he been dead? A He's been dead ever since I was eight months old.
Q Was he a white man or a Choctaw? A He was a Choctaw.
Q Was he recognized as a Choctaw citizen by the authorities? A Yes sir.
Q I mean by authorities, the National Council and the Governor? A Yes sir.
Q What is your mother's name? A Jennie Helterbrand.
Q Jennie Helterbrand? A Yes sir.
Q Is she living or dead? A She's living. That was her maiden name.

Q Before she married your father Graves? A Yes sir.
Q What is her name now? A She's a Kinghorn now.
Q She's been married since your father died? A Yes sir, she's been married twice; once before this time.
Q That is, twice since your father died? A Yes sir, she married once before.
Q Where does she live? A She lives down in Red River County in the Choctaw Nation.
Q In the Choctaw Nation? A Yes sir.
Q What Nation does she belong to? A Cherokee.
Q Cherokee? A Yes sir.
Q Do you know whether or not she is on the Cherokee Roll? A No sir she is not.
Q She is not? A No sir.
Q Has she ever been on any other rolls? A No sir.
Q You appeared before the Commission in December, 1900, at Atoka and testified did you not? A Yes sir.
Q And afterwards you again appeared before the Commission at Muskogee in February, 1901? A Yes sir.
Q You have no different statement to make at this time to what was contained in these two statements? A No sir.

Examination by Attorney.

Q Now Mrs. Dyer, in February, 1901, I believe it was, you appeared here and made a statement here and asked the Commission to be allowed to elect as to which tribe you would be enrolled in? A Yes sir.
Q At that time you elected to be a Choctaw? A Yes sir.
Q You are the identical person that made that election at that time? A Yes sir.
Q And do you at this time appear for the purpose of asking the privilege of electing as to which tribe you shall be enrolled with--- that is, do you elect to be a Choctaw? A Yes sir.
Q And in the event you are enrolled as a Choctaw you release all rights and privileges that you may be entitled to in the Cherokee Nation? A Yes sir.

By the Commission:

This case will be considered by the Commission upon the testimony and record as now made up.

By Attorney:

Reference is made to the Leased District Payment Roll, of Blue County, in 1893, on page 31, Numbers 331, 332 and 333 respectively where appear the names of Lorena Dyer, Joe Dyer and Mary Dyer, her children, with request that the same be considered in connection with her case.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full,

true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Mal Belford

Subscribed and sworn to before me this 16 day of April, 1902.

((SEAL))

Clara Mitchell Wood
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., December 16, 1902.

---o---

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 16th day of December, 1902.

Notary Public.

COPY.

T.W.L.

GBR.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lorena Dyer, et al., for enrollment as citizens of the Choctaw Nation, consolidating the applications of:

Lorena Dyer, et al.,	7-D-266
Joseph E. Dyer,	7-D-522

- D E C I S I O N -

It appears from the census card records of the Commission that Lorena Dyer appeared before the Commission at its session held at Red Oak, Indian Territory, on June 22, 1899, and made personal application for the enrollment of herself and her minor children, Joseph A., Mary, Jessie and James R. Dyer, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of said application at McAlester, Indian Territory, on November 14, 1899, at Ateka, Indian Territory, December 11, 1900, and at Muskogee, Indian Territory, April 14, 1902. It appearing that James R. Dyer, was born subsequent to the preparation of the last tribal roll of the Choctaw Nation, satisfactory proof of his birth was made to the Commission June 30, 1899. On October 18, 1899, written application was made for the enrollment of Fannie and Mamie Dyer as citizens by blood of the Choctaw Nation, satisfactory proof of their birth being furnished the Commission. On July 25, 1902, written application was made to the Commission for the enrollment of Susana Dyer, as a citizen by blood of the Choctaw Nation, satisfactory proof of her birth being furnished at that time.

It also appears that on November 14, 1899, application was made for the enrollment of Joseph E. Dyer as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in this application at South McAlester, Indian Territory, December 23, 1902.

It is shown by the evidence submitted and the records in the possession of the Commission, that Lorena Dyer is a recognized and enrolled citizen by blood of the Choctaw Nation; that she is married to Joseph E. Dyer, a white man, and that the minor applicants herein are the offspring of said union; that Lorena Dyer and her minor children are residents of the Choctaw Nation, Indian Territory; that Lorena Dyer, Joseph A. (written "Joe") Dyer and Mary Dyer are identified on the 1893 leased district payroll of the Choctaw Nation, Blue County, page 31, Nos. 331,332, and 333, respectively; that Lorena Dyer, Joseph A. (written "Joe") Dyer, Mary Dyer and Jessie Dyer are identified upon the 1896 Choctaw census roll, Blue County, Nos. 3508, 3509, 3510 and 3511, respectively; that the minor children James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer, were born subsequent to the preparation of the last tribal roll of the Choctaw Nation and they are identified by the proper affidavits, which are attached to and made a part of the record in this case.

It also appears from the evidence in this case that Joseph E. Dyer claims the right to enrollment as an intermarried citizen of the Choctaw Nation by reason of his marriage to Lorena Dyer (nee Graves), the principal applicant herein; that said persons were married on January 27, 1886, in accordance with the laws, customs and usages of the Choctaw Nation and that they have lived together as husband and wife continuously from that date up to and including September 25, 1902.

It further appears that Lorena Dyer appeared before the Commission at Muskogee, Indian Territory, on February 12, 1901 and made application for the enrollment of herself and her six minor children, Joseph Dyer, Mary Dyer, Jessie Dyer, Robert Dyer, Fannie Dyer and Mamie Dyer as citizens by blood of the Cherokee Nation; that at the hearing on said date the said Lorena Dyer and her six minor children, Joseph Dyer, Mary Dyer, Jessie Dyer, Robert Dyer, Fannie Dyer and Mamie Dyer, were not identified upon any of the tribal rolls of the Cherokee Nation and were, for that reason, denied enrollment as citizens by blood of the Cherokee Nation, but were listed on Cherokee rejected card No. 537.

It also appears that the applicant Lorena Dyer, in her testimony before the Commission on April 14, 1902, elected to be enrolled and have allotment of lands and distribution of moneys in the Choctaw Nation.

It further appears from the evidence that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898.

It is therefore the opinion of this Commission that Lorena Dyer, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is the further opinion of this Commission that Joseph E. Dyer should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of said section twenty-one of the Act of Congress approved June 28, 1898, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Acting Chairman.

T. B. Madden
Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory.

FEB 25 1903

Cherokee R Dpt.

305

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lorena Dyer and her minor children, Joseph A., Mary E., Jessie, James E., Bunnie and Nannie Dyer, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 27, 1900, Joseph E. Dyer appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of his wife, Lorena Dyer, and her minor children, Joseph A., Mary E., Jessie, James E., Bunnie and Nannie Dyer, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 12, 1901. Copies of the testimony taken at various times in the matter of the application for the enrollment of said Lorena Dyer, et al. as citizens of the Cherokee Nation are made a part of the record herein.

The records of this Commission show that the names of all the applicants herein appear upon a partial roll of Cherokee citizens by blood, approved by the Secretary of the Interior, on May 20, 1893, at numbers 14267 to 14275.

Section twenty-eight of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

-4-

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Muskogee, Indian Territory,
this OCT 9 1906

Department of the Interior
Commission to the Five Civilized Tribes

Choctaw 2-264

Muskogee, Indian Territory, February 28, 1903.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered February 28, 1903, granting the application for the enrollment of Lorena Ryer and her minor children, Joseph A. Ryer, Mary Ryer, Jessie Ryer, James R. Ryer, Fannie Ryer, Annie Ryer and Susana Ryer as citizens by blood, and of Joseph E. Ryer as a citizen by intermarriage, of the Choctaw Nation.

It appears from the records of this office that these persons were applicants for enrollment as citizens of the Cherokee Nation.

Respectfully,

Chairman.

Enc. IRS. 72 L-

Muskogee field
Cherokee D-63.

Muskogee, Indian Territory, October 20, 1908.

Cherokee-Citizenship Enrollment Division,
General Office.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1908, rejecting the application of Lorena Dyer for the enrollment of herself and her six minor children, Joseph A., Mary B., Jessie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Inc. D-63.

Chairman.

Cherokee R-537.

Muskogee, Indian Territory, October 10, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lorena Dyer for the enrollment of herself and her six minor children, Joseph A., Mary B., Jessie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation, including the Commission's decision dated October 9, 1903, rejecting said application.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-64.

Cherokee R-637.

Muskogee, Indian Territory, October 10, 1903.

Lorena Dyer,

Enterprise, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your six minor children, Joseph A., Mary B., Jessie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision dated October 9, 1903, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-61
Register.

MLG

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEBLETT,
C. R. BREWNINGHOUSE,
W. R. STANLEY.

ALLEN L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING

Cherokee D-587.

Muskogee, Indian Territory, October 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1906, rejecting the application of Lorena Dyer for the enrollment of herself and her six minor children, Joseph A., Mary E., Jessie, James R., Fannie and Mamie Dyer as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-62.

Chairman.

COPY

Refer in reply to the following:
Land 66109-1904.

Department of the Interior,
Office of Indian Affairs,
Washington, March 28, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated October 10, 1903, transmitting the record relative to the application of Lorena Dyer for the enrollment of herself and her six minor children, Joseph A., Mary E., Jessie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation.

October 9, 1903, the Commission held that the applicants were not entitled to enrollment. In the Commission(s decision it is stated that all of these applicants have been enrolled as citizens of the Choctaw Nation and that their names appear on the partial rolls of that nation which were approved by the Department May 20, 1903, opposite Nos. 14868 to 14873 inclusive. Under the provisions of section 28 of the Cherokee agreement the applicants are not entitled to enrollment as citizens of the Cherokee Nation, having been enrolled as citizens of the Choctaw Nation, and the approval of the Commission's decision is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW:MV

3 enclosures.

WCT FHE LRS

D. C. 10863.
ITD 2690-1904.

Department of the Interior,
Washington, April 4, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On October 10, 1903, you transmitted the record in the matter of the application of Lorena Dyer, for the enrollment of herself and her six minor children, Joseph A., Mary B., Jessie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation.

On October 9, 1903, you rejected the applicants in the case. Reporting March 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee R-837.

Muskogee, Indian Territory, April 16, 1904.

Lorena Dyer,

Enterprise, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated October 9, 1903, rejecting your application for the enrollment of yourself and your minor children, Joseph A., Mary E., Cassie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

1104

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Checkbook B-137.

Muskogee, Indian Territory, April 14, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated October 9, 1903, rejecting the application for the enrollment of Lorena, Joseph A., Mary B., Jessie, James R., Fannie and Mamie Dyer as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 4, 1904.

Respectfully,

Commissioner in Charge.

The applications herein have been filed as citizens of the Choctaw Nation; evidence to that effect has been written. The applications have been transferred to straight card and schedule, said schedule being referred to the Secretary of the Interior, but no record of approval has been received to date.

Hold decision pending instructions to place the names of the applicants herein upon the final roll of citizens of the Choctaw Nation.

Ser K 538

R 538 2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 13 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

In the matter of the application of William Martin for the enrollment of himself, wife, child and ste-child as citizens of the Cherokee Nation; said Martin being sworn and examined by Commissioner C. R. Breckinridge, testified as fo llows:

Q Give me your full name? A William Martin.
Q How old are you? A Thirty.
Q What is your postoffice? A Muskogee.
Q Do you live in the Cherokee nation? A Yes, sir.
Q In what district do you live? A Canadian district.
Q Who is it you want to enroll, yourself and family? A Myself and family.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Are you a full blood Cherokee? A Three-quarters.
Q Is your wife a full blood? A No, sir; white woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Martin Buzzardflepper.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Rebecca.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Ida Martin.
Q How old is she? A Twenty five.
Q When did you marry her? A '96.
Q What time in 1896 A June 10th.
Q Have you a certificate of marriage? A Yes, sir.
Q What was your wife's name when you married her? A Ida Wright.
Q That her maiden name? A Yes, sir.
Q She was never married except to you? A No, si r.
Q Were you ever married before you married her? A Yes, sir.
Q How many times were you married before you married her? A Once before I married her.
Q What is the name of your first wife? A Emma McElmeel; see I was raised by that man and I had to go by his name.
Q What was her name when you married her A Emma Cross.
Q When you married her her name was Emma Cross? A Yes, sir.
Q You mean that you were going by the name of McElmeel? A Yes, sir.
Q And her name at that time may have been McElmeel or Cross? A Yes, sir.
Q Is she dead? A Yes, sir
Q When did she die? A June 10th, 1895.
Q She was dead when you married your present wife? A Yes sir.

Com'r Breckinridge:--The applicant files a certificate showing that he and his wife were married on the 10th of June, 1896, by the District Judge of Canadian District. This is filed herewith.

Q You and your present wife have lived together ever since you and she were married, have you? A Yes, sir.
Q Give me the name of your chi ld? A Lawrence (W) Martin.
Q How old is that child? A 13 months.
Q Haven't you lived part of your life in the Creek Nation? A I did when I was living here before 1880.
Q When you were a child? A Yes, sir.
Q Haven't you been down in the state of Texas? A Yes, sir.
Q When did you go there? A I went there two years ago last November.
Q How long did you stay there? A Two years.
Q When did you go there? A November, two years ago.
Q In what year? A '98.
Q When did you come back from Texas? A Last Fri day, is a week

age.
Q And you had been there two years? A Yes, sir.
Q Did your wife go down therewith you? A Yes, sir.
Q What were you doing down there? A Went there on account of my wife's health.
Q Did not move your home and residence? A No, sir.
Q Just went there temporarily for your wife's health? A Yes, sir.

Tribal rolls of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:
1880 Authenticated Roll, page 7, #186, Willie Buzzard Flopper, Canadian district.
1896 Census Roll, page 54, #1475, William H. Martin, Canadian district.
1896 Census Roll, page 91, #201, Ida Martin, Canadian district.
NOTE: "This name changed from Buzzardflopper to Martin."

Q Have you a certificate of marriage to your first wife, Emma?
A No, sir.
Q Who married you? A Judge Henry Lowery.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child: He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation practically all his life and he will now be listed for enrollment as a Cherokee by blood.

His wife is a white woman. He was married once previous to his present marriage, but his former wife was dead when he contracted his present marriage, and his present wife was never previously married; They have lived together ever since their marriage, June 10th, 1896, which marriage is evidence by the certificate filed herewith. She is identified on the roll of 1896 and she will not be listed for enrollment as a Cherokee by adoption.

When the Commission is supplied with a certificate of the birth of their child, Lawrence (W), he also will be listed for enrollment as a Cherokee by blood.

APPLICANT APPLIES FOR THE ENROLLMENT OF HIS STEP-CHILD:

Q You want to enroll some additional children, do you? A My first wife's children.
Q How many children by your first wife? A Three.
Q Give me the names of these children? A Elizabeth.
Q Isn't that the child that lives with Peter McElmeel? A Yes, sir.

(The records of the Commission show that this child has been enrolled.)

Q Give me the name of the next child? A Ora.
Q How old is that child? A She is dead; Peter.
Q How old is that child? A Eight years.
Q And what is the next child? A That is all.
Q Then you want to apply for this child, Peter? A Yes sir.

Tribal rolls of citizens of the Cherokee Nation examined and the name of applicant's step-child is found thereon as follows:
1896 census roll, page 54, #1477, Peter Martin, Canadian district.

Q When were you living with when you married your first wife? A Peter McElmeel.
Q And you were married by Judge Lowery? A Yes, sir.
Q Where were you married? A At his residence; Goosneck Bend.
Q You and that wife lived together until she died? A Yes, sir.

Q This child is living now, is it? A Yes, sir.
Q That wife was a white woman? A Yes, sir.
Q When was it you and your wife, Emma, married? A 1888.

Com'r Breckinridge:--This child is duly identified on the roll of 1896, and in addition to the applicant's testimony of his marriage to the mother of this child, the fact of their marriage is established in a satisfactory manner in Case number 7087, in which case the child Elizabeth who was given to Peter McKinnel was duly enrolled. This child, Peter Martin, is now living and will be listed for enrollment as a Cherokee by blood.

---oooOOOooo---

J. O. Hosson, being sworn duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the fo regoing is a true and complete transcript of his stenographic notes thereof.

J. O. Hosson

Subscribed and sworn to before me this 12th day of February, 1901.

Commissioner.

R538

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 12 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date July 12th 1901 ~~1900.~~

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ida Martin

District Canadian Year 1896 Page 91 No. 201

Citizen by blood yes Mother's citizenship U. S.

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Refused
Duplicate
Illegitimacy.

R538 6

DEPARTMENT OF THE INTERIOR
BUREAU OF THE FIELD CIVIL SERVICE RULES.
FILED
FEB 13 1901

ACTING CHAIRMAN.

Four Copies to go with #7257.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I.T., FEBRUARY 12th, 1901.

In the matter of the enrollment of Ida Martin as a citizen of the Cherokee Nation, the following order is to be noted:

Com'r C. R. Breckinridge:

In the matter of the enrollment of Ida Martin, wife of William Martin, straight card #7257, it is shown that a mistake was made in enrolling her as a Cherokee by adoption, she being a white woman and her marriage, as shown by the certificate filed with case #7257, shows that her marriage to her husband was on the 10th of June, 1896, too late under the Cherokee law of December 16th, 1895, to entitle her to enrollment. It is, therefore, ordered that the enrollment of Ida Martin, as already indicated, be cancelled and that she be properly enrolled upon a rejected card as under the provisions stated she is not entitled to enrollment, and a copy of the testimony in the original case will be filed in the jacket of the new case with copy of this order, and the order of cancellation and transfer will be duly noted on the original card.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 13th day of February, 1901.

C. R. Breckinridge

Commissioner.

D 11820

Submission to the Five Circuit
FILED
MAR 4 1902
Acting Secretary

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida Martin, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and thirty-eight, it is entitled Ida Martin, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.
~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

[illegible]

[illegible]

[illegible]

The Cherokee law applicable in this case, and known as the "intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article IVI, Section 25 to date, day, Section, page 25 of the Compiled Laws of the Cherokee Nation, is hereby amended (?) so as conform to the provisions of this Act, and in case so after the political rights to persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokee by blood, Delaware, or Shawnee by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that YOU, YOUR

married on the 20th day of June, 1896, age, to one William Martin, your

said husband, a citizen by blood of the Cherokee Nation, that you and your

husband have lived together continuously since your marriage, that you are

identified on the Cherokee Census Roll of 1896; and that you have your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of

yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to YOU as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enc. C.J.C. 828
Regl cher.

By [signature]
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *in the matter of the application of* Ida Martin *for enrollment as citizen of the Cherokee Nation*

C. W. Hastings
Attorney for Cherokee Nation.

Cherokee No. R 508

J. C. S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. 3. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON. April 3, 1902.

I. T. D. 2149-1902.
D. O. 6234-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ida Martin, R 338, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible] OF THE INDIANS,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

[illegible] 1902

[illegible] ACTING CHAIRMAN.

L. R. S. F. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-538

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

Ida Martin,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee- R-538.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ida Martin, Cherokee No. R 538, for enrollment as a citizen of the Cherokee nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

REGISTERED
APR 24 1902
MUSKOGEE

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John Murtin
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Department of the
Commission to the Five Civil
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OFFICIAL BUSINESS.

Penalty for private use, $300.

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Mrs. Ida Martin,
~~Muskogee,~~
Indian Territory.

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W.D.S.A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 18 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 13, 1901.

In the matter of the application of Cordie Johnson for the enrollment of herself and three children, and for the enrollment of three sisters and one brother, Madgie, Josie, Vinnie and Leonard Bane, as Cherokee citizens; the said Cordie Johnson being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Cordie Johnson.
Q How old are you? A 21.
Q What is your postoffice? A Laneville, Texas.
Q Are you living in the State of Texas? A Yessir.
Q Who is it you want to apply for, just yourself? A Yes sir, my sisters and brother.
Q You have some sisters and brothers who are under age? A Yes sir.
Q How many sisters and brothers? A Three sisters and one brother.
Q Four minor children? A Yes sir.
Q You claim to be a Cherokee by blood? A Yes sir.
Q Have you ever been recognized as a Cherokee citizen? A Yes sir.
Q Have you ever lived in the Cherokee Nation? A Yes sir.
Q When did you live in the Cherokee Nation? A In '93.
Q Never before '93? A No sir.
Q How long did you live here at that time? A Seven months.
Q That is the only time you ever lived in the Cherokee Nation? A Yes sir.
Q Or in the Indian Territory either is it? A Yes sir.
Q Give me the name of your father. A B. F. Bane.
Q Is he dead? A Yes sir.
Q Give me the name of your mother. A Mary Bane.
Q Is your mother dead? A No sir.
Q Was your father a Cherokee? A Yes sir.
Q Cherokee by blood, was he? A Yes sir.
Q Your mother, what is she? A She's white.
Q Did your father ever live in the Cherokee Nation? A He lived here when we did. I don't know whether he lived here before.
Q As far as you know he only lived here seven months in '93? A Yes sir.
Q Is that also true of your mother? A Yes sir.
Q Where were you born? A In Texas.
Q Where were these four brothers and sisters born? A In Texas.
Q Did they live here seven months in 1893? A Yes sir.
Q And is that all? A Yes sir.
Q Give me the names of these brothers and sisters? A Madgie Bane.
Q How old is she? A She's 18 I reckon; no, she's older than that. She was born in '82; no, this one was born in '84 '84, she's about 16.
Q The next child? A Leonard Bane.
Q How old is Leonard? A He was born in '86.
Q He is fourteen? A Yes sir.
Q The next child? A Josie Bane.
Q How old is that child? A She was born in '88; 12 years old.
Q The next child? A Vinnie.
Q How old is she? A She was born in '90; 10 years old.
Q These children all living now? A Yes sir.
Q Did you, or your family, ever make application to the Dawes Commission for admission to Cherokee citizenship? A Yes sir.
Q Four years agoh A Yes sir.
Q Were these children all born in the State of Texas? A Yes sir. And then I have some children myself. I have three.
Q What are the names of your three children? A Jewelle Johnson.
Q How old is that child? A She was born in July, '97. The next one is Margie.
Q How old is that child? A She was born in '9[illegible].
Q Next child? A Myrtle.

Q How old is that child? A She was born last December, not hardly two months old.
Q These three children are all living, are they? A Yes sir.
Q You spoke of there being some paper before this Commission, what paper is that — you mean this paper? A Yes sir.
Q This paper you hand me now? A Yes sir.

By W.W.Hastings, representative of the Cherokee Nation-
Q Where did you live in 1893? A Here.
Q What place? A In Canadian district.
Q What time did you reside in Canadian district? A From February of '93 until the last of August.
Q Then you went back to Texas? A Yes sir.
Q And you never returned here? A No sir.
Q And none of these people for whom you have applied? A No sir.

Commissioner-
Q All of you who were then living, and for whom application is now made, the father and the mother, and your brothers and your sisters, came here in February, '93, or rather to the Cherokee Nation, and you staid until August, '93? A Yes sir.
Q And then went back to Texas? A Yes sir.
Q And you lived in Texas ever since? A Yes sir.

The applicant presents an official copy of an act of the Cherokee Council approved December 11, 1893, admitting to citizenship conditionally certain persons, and among them appears the name of the applicant's father, herself, (at that time Cordie Bane), her sister, Madge, a brother, Leonard, and her sister Vinnie, for whom application is now made, but there does not ~~appear the name of the sister, Josie, older than Vinnie. Those~~ stated were admitted to citizenship on condition that the act should not go into effect until the persons named shall have permanently located in the Cherokee Nation. That act which originated in the house was concurred in by the senate with the addition of certain names and a proviso that the removal and locating of the persons herein readmitted shall be done within six months after the passage of the act.

Q Now, it is shown in the testimony that the persons here concerned came to the Cherokee Nation in February, 1893, and returned to Texas in August, 1893, while the act was approved December 11, 1893, and none of them have ever been in the Cherokee Nation since the passage of the act, nor has any one of them ever lived in the Cherokee Nation except some seven months in the year 1893, prior to the passage of the act.

Q Did you draw strip money? A Yes sir.
Q When were you married? A In '96.
Q Have you a certificate of your marriage? A Not here, I haven't.
Q What is the name of your husband? A Frank Johnson.
Q He is a white man, is he? A Yes sir.
Q You were never married before? A No sir.
Q Was he ever married before he married you? A No sir.
Q You and he have lived together ever since your marriage? A Yes sir.

(The applicants are not found upon the authenticated roll of 1880). The pay roll of 1894 examined and upon page 11, No. 353 is found the name of the applicant Cordie Bane, in Canadian district. The applicant's sisters and brother are found on the pay roll of 1894 as follows: page 11, No. 355, Madge Bane, Canadian District; page 11, No. 356, Leonard Bane, Canadian dist.

On page 11, No. 227, Josie Bane, Cherokee District; page 11, No. 228, Vinnie Bane, Cherokee District.
The census roll of 1896 contains on the name of the applicant in form upon page 7, No. 194, as Corie Bane, in Cherokee District. (Note: Now living in Texas with their father). The applicant's sisters and brother are found upon the census roll of 1896, as follows: On page 7, No. 195, Madge M. Bane, Cherokee District; on page 7, No. 197, Leonard Bane, Cherokee District; page 7, No. 198, Josie Bane, Cherokee District; page 7, No. 199, Vinnie E. Bane, Cherokee District.

Commissioner Breedlove-

The applicant herein has filed for the enrollment of herself and three children, and also for four brothers and sisters who are minors. She is 1 entitled on the rolls of 1894 and 1896 under her maiden name. She states that in 1908 she married a white man named Frank Johnson; that neither was previously married, and that they have lived together ever since their marriage, but she is unable at this time to produce a copy of the marriage license and certificate. It is shown by the copy of the official record filed herewith that this applicant and her four brothers and sisters named in her testimony were all of them, except her sister, Josie, whose name appears to have been inadvertently omitted, along with their father, or intermarried, admitted to citizenship by an act of the Cherokee Council approved December 11, 1893. It was stipulated in said act that it should not go into effect until the beneficiaries named shall have permanently located in the Cherokee Nation, and it was provided that the removal and location of the persons named shall be done within six months after the passage of this act. Now, the act was approved December 11, 1893, and the testimony shows that the applicant and her four brothers and sisters, for whom she applies, came with their parents to the Cherokee Nation in February, 1893, and stayed until August of the same year, at which time they returned to the State of Texas from which they had come and where they had previously lived all their lives, and that none of them, nor their parents, have ever been in the Cherokee Nation since August, 1893, nor have the parents ever lived in the Cherokee Nation, except during the approximately seven months just indicated. It appears therefore that instead of taking up their residence in the Cherokee Nation after the passage and approval of this act, all the persons here concerned left the Cherokee Nation prior to that date, and have never resided in the Cherokee Nation since. It is provided in Section 21 of the Curtis law, after the adoption by Congress of the law of 1890, that this Commission shall investigate the right of all other persons whose names are not found on any other rolls and omitted all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, etc.; and it is further provided in said Section, that no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship. It is perfectly clear from the testimony in this case that the names of the applicant and her four sisters and brothers were improperly put upon the rolls of 1894 and 1896, and that this Commission is prohibited, by the section of the law just quoted, from enrolling them at this time, and therefore the application for the enrollment of all the parties herein concerned is rejected. The applicant's children, of course, possess no right not possessed by their mother. To perfect the record and complete the case, the applicant is desired to supply the Commission at her convenience with an official copy of her marriage license and certificate, but that of course, cannot effect the final status of anyone in the case as respects enrollment.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

R-539

(8)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 13 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb. 13, 1900

Name Lanville Texas

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

127 Wife's name Cordie Johnson 1894 194

District Cav. Year 1894 Page 7 No. ~~223~~

Citizen by blood yes Mother's citizenship B. F. Bane d

Intermarried citizen no Mary " d

Married under what law Date of marriage

License Certificate

Names of Children:

Madgie Bane	Dist. Cav	Year 1894	Page 7	No. 194	Age 18
Leonard "	Dist. "	Year 1894	Page 7	No. 192	Age 14
Josie "	Dist. "	Year 1894	Page 7	No. 193	Age 12
Vennie "	Dist. "	Year 1894	Page 7	No. 195	Age 10
Lenville Johnson	Dist.	Year	Page	No.	Age 3
Margie "	Dist.	Year	Page	No.	Age 2
Myrtie	Dist.	Year	Page	No.	Age 2 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

~~No 1 on 1894 roll as Cordie Johnson.~~
~~" 2 Madgie Bane.~~
~~" 3 Leonard Bane.~~
~~" 4 Vennie Bane.~~
No 1 on 1896 roll as Cordie Bane.
" 2 " " " Madgie M. Bane.
" 6 " " " " Vennie D. Bane.
No 1. to apply marriage license and certificate

the Cherokee Nation.

Passed the House Nov. 22d 1893.

J.H.Dick ,Clk of House. Bird Jones,Speaker of House.

Concurred in the Senate with the following amendment:

Add the names of Nancy Hughs, Mary Hughs, Margret Hughs, William Hughs,Richard Hughes, Bennie Hughes and Minny Hughes,Roberson Clay, Mary Miller and family.

In section two add "Provided however that the removal and locating of the persons herein readmitted shall be done within six months after the passage of this act.

C.J.Wills, Clk of Senate. Richard M.Wolfe, President of Senate.

[illegible] in. [illegible]) [illegible] Jones ,Speaker Council. [illegible] 1893.

C.J.[illegible],Principal Chief.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.F.Alberty,assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is true copy taken from the the record of laws filed in this office in my custody.

Given under my hand and the seal of the Cherokee Nation this the [illegible]th day of February 1901.

Assistant Executive Secretary,
Cherokee Nation.

Council Bill no 19.

An act to readmit B.F.Bane and Children to Citizenship in the Cherokee Nation.

Sec.1, Be it enacted by the National Council;

That B.F.Bane and his children,Cordie Bane,Fannie Bane ,Midge Bane,Leonard Bane ,Vinnie Bane and Buff Bane be and they are hereby readmitted to all the rights and privileges of Citizenship in the Cherokee Nation.

Sec 2 Be it further enacted;That this act shall not go into effect until said B.F.Bane and Children shallhave permanently located in the Cherokee Nation.

Passed the House Nov. 23d 1893.

J.H.Dick ,Clk of House. Bird Jones,Speaker of House.

Concurred by the Senate with the following amendments:

Add the names of Nancy Hughs, Mary Hughs, Margret Hughs, William Hughs,Richard Hughes, Bennie Hughes and Minny Hughes,Robersen Clay, Mary Miller and family.

In section two add "Provided however that the removal and locating of the persons herein readmitted shall be done within six months after the passage of this act.

C.W.Willey,
Clk of Senate.
Amendments concurred in.
Henry Dick,Clk Council) Bird Jones ,Speaker Council.

Richard M.Wolfe,
President of Senate .

Approved Dec.11 " 1893.

C.J.Harris,Principal Chief.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the the record of laws filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 7th day of February 1901.

B. W. Alberty
Assistant Executive secretary.
Cherokee Nation.

[illegible]

[illegible] Yes sir.

[illegible] Yes sir.

[illegible] Yes sir.

R

C. R-239

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Cordie Johnson et al for enrollment as a Cherokee citizen.

Appearances:
Thomas Owen, Muskogee, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

JOHN REAVES, being first duly sworn and being examined testified as follows:
BY MR. OWEN:

Q Whatis your name? A John Reaves.
Q What is your age? A 59.
Q What is your post-office address? A Muskogee.
Q Were you acquainted with B. F. Bain in his life time? A Yes sir.
Q Is he now living or dead? A He is dead.
Q Do you know the names of his children? A Well,sir, I know them if I was to hear them, and that's about all.
Q Is Cordie Johnson one? A Yes sir, I know her; I know all the oldest ones, but the youngest ones I don't really know.
Q Do you know when B. F. Bain came to the Cherokee Nation, what year it was? A No sir, I couldn't tell you when, I have forgotten; I could by looking over some papers at the house, but I never thought about it.
Q You know whether he was admitted to citizenship in the Cherokee Nation while he was here? A Yes sir, I know he was admitted.
Q Did you know at the time thathe was? A Yes sir.
Q Do you know whether he lived in the Cherokee Nation any time after that? A Yes sir.
Q How long did he live here after that? A Well between 6 and 12 months, I couldn't tell exact time.
Q Do you know whether he moved to the Cherokee Nation and settled within six months after he was admitted? A Yes sir.
Q You remember the date of his admission? A No sir, I don't.
Q You remember whether he was living here during 1894 or not? A That was the Strip Payment wasn't it?
Q Yes. A Yes sir, he was living here.
Q Where did he go to from here? A He went to Texas.
Q Where was he living when he died? A Living in Texas.
Q Was his children any improvements in the Cherokee Nation at this time? A Yes sir.
Q What are they? A There is about fifty acres of broke land.
Q Is it a farm? A Yes sir.
Q How long have they owned that farm? A Well sir, they owned it ever since directly after the Strip payment; month or two.
Q Where did they get it? A They bought it.
Q Who bought it? A B.F.Bain,bought it.
Q Bought it while he was living in the Cherokee Nation? A Yes sir.
Q Before or after he was admitted to Cherokee citizenship? A After wards.
Q Did he live on that farm with his family as a home after he bought it? A No sir, he had a place; had it at the time he bought that place.
Q Did he ever live on this farm? A No sir.
Q Did his family live on it? A No sir.
Q Were they making their home in the Cherokee Nation at the time he bought this farm? A Yes sir.
Q What did he do? A He was a farmer, had been; he hadn't farmed any for several years; he was not able.

Q What part of the Cherokee Nation did he live in? A Canadian District.
About twelve miles below here.
Q Did you live in that community? A Yes sir.
Q Were you there at the time he was living there? A Yes sir.
Q You were personally acquainted with him were you? A Oh yes, he is a half brother of mine.
BY MR. HASTINGS: Who, E. T. Reid? A Yes sir.
BY MR. OWEN:
Q You know whether his children are named Cordie, Hodge, Lemuel, Jessie, Bennie, Jewell, Ruth, and Dorothy? A Yes sir, I think that's their names; I couldn't say about the younger ones for certain, but then I know the children and say that is.
Q I notice the last three children are named Johnson, how does that come? A I suppose that is his daughter Cordie; she is married.
Q She married a Johnson? A Yes sir.
BY MR. HASTINGS:
Q Mr. Reeves, Cordie Johnson is the oldest one of these children? A Yes sir.
Q She would know more about their living up here and recollect more about it than you would? A I don't think she did from the mistake she made.
Q Do you know when they came here? A When they moved here? Q Yes sir. A I couldn't tell you the day they came here.
Q She has testified to the date, are you prepared to say that is not correct? A No sir, I am not.
Q Are you prepared to say the date she said they left here is incorrect? A Yes sir, I think I do, because I can remember it.
Q When did they leave here? A Well I couldn't tell you without I went to go and [illegible] look at some papers I have got.
Q Why did you state she has made an incorrect statement when you don't know yourself? A I do so know she made a mistake, I can prove it.
Q Now, do you know it yourself, of your own personal knowledge? A I know; that would be sort of a hard question for me to answer.
Q Well then you don't know of your own personal knowledge when they left do you? A I don't know it right at the present, no, I would have to go and see.
Q I want to call your attention to the fact that there is a note on the 1906 roll when that Strip money was paid, that they were then living in Texas, with their mother, and this witness testified that they went there a year prior to that time, before the payment? A They were living here at the time that money was paid out.
Q I have just called your attention to the fact that there is a note on the Strip pay roll that they were at that time living in Texas? A Well you will see further on; you will get the witness that they were here. I am so forgetful all about these things, but you will see that they were living here.
BY MR. OWEN:
Q You know whether they participated in the Cherokee Strip payment; whether they drew the money? A Yes sir, they did.

ALEX JEFFERS, being first duly sworn and being examined testified as follows:
BY OWEN:
Q What is your name? A Alex Jeffers.
Q How old are you? A Well sir, I was 68 years old the 16th day of last December.
Q What is your post-office address? A Muskogee.
Q Were you personally acquainted with D. T. Reid? A Yes sir.
Q Did he ever live in the Cherokee Nation? A Yes sir.
Q Where? A Lived down in Canadian District.
Q Was he ever admitted to Cherokee citizenship? A Why it is my understanding he was, I don't know it for a fact.

Q Did you hear of it at the time? A Yes sir.
Q You know whether he lived here after that time or not, after he was admitted? A Yes, he lived down there after he was re-admitted.
Q You know where he was living during the Cherokee Strip payment of 1894? A Living down here in Canadian District on what they call Spohiard Creek.
Q You know when he moved to Texas? A When he moved back to Texas?
Q Yes. A No sir, I don't, he must have went back about; why I don't know just when it was, because I told you I never keep no dates.
Q You remember whatyear it was? A No I don't; I don't know what year that Strip money was paid out.
Q It was paid out in 1894?A Well then he must have went back in 1893 or '6, I don't know just when he went back.
Q Did you live in the same community where he lived? A Yes sr.
Q Did he own any property here when you went to Texas?A Yes sir, got a place down here in Canadian District now.
Q Farm?A Yes sir.
Q Who had charge of that farm? A John Jordon had charge of it all the time until he moved up above here, I don't know who has got charge of it now.
Q He was the agent of Bain? A Yes sir.
Q Do you remember what year he was re-admitted to citizenship?
A No sir, don't know; in 1894 I reckon, '94 I mean.
Q You know he was living here during the Cherokee Strip payment?
A Yes sir, he was here then.
Q You know whether he participated in that Strip payment?
A Yes sir; they drew money, that is John Jordon drew it for him, so I have been told; I didn't see him draw it.

BY MR. HASTINGS:

Q You know what year this family came here? A Why they must have come here in 1893 I reckon, I don't know just when, because I told you I don't keep no dates.
Q Where did they live? A Down in Canadian District.
Q How far from you?A Why I guess about a mile and a half or two miles.
Q How long did they stay there? A Why they stayed there, I don't know just how long, but they stayed there until that Strip money was paid out.
Q Did they draw it themselves? A No sir, I think John Jordon drawed it for them. Mr. Bain was mighty bad off and low with consumption, and John Jordon drew the money for him.
Q Do you know that eldest child, Cordie Johnson? A No sir, I wouldn't know them ch ildren if I was to see them.
Q They lived in a mile and a half of you? A Yes sir, that has been 8 or 9 years ago, and they were small then.
Q Did you know them than? A Yes sir.
Q This girl was married in 1896, she is 21 years old? A I don't know that I would know her if I would see her to-day; I never was about those children much.
Q I will ask you if you don't think she would be more correct about the time she came and left than you would? A I don't know, it might be possible.
Q You don't pretend to be absolutely correct as to the time they came and went? A No, I know they was all here when that Strip money was paid out and they got their money, and I don't know how long they stayed after they got it and I don't know how long they was here before they got it.

JOHN B. JORDON, being first duly sworn and being examined testified as follows:

BY MR. OWEN:

Q What is your name? A John B. Jordon.
Q What is your age? A 48 years old.

Q What is your post-office? A Ramona.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know F.F.Bain? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A He was.
Q You know when he was re-admitted? A Well he was re-admitted in 1888, or '9, one. I have forgotten which, I couldn't say.
Q Where did he live at that time? A Lived in Canadian District, Cherokee Nation.
Q Do you know whether he lived there after he was re-admitted? A He did.
Q For how long? A Well I don't know exactly how long; I think probably he left here in 1895 or 1896; as he had consumption he had to go south, that was the advice by the doctors here, he died south, he went to South-eastern Texas.
Q Did he have any children when he lived here? A Yes sir.
Q You remember their names? A No not now, not all of them, I know some of their names.
Q Were they with him when he was living here in the Nation? A Yes sir.
Q Do you know whether they participated in the Cherokee Strip payment? A They did.
Q Did they draw the money themselves? A No sir, I drawed it for them. Frank was not able to go and draw his money and I drew it for them.
Q Where did theylive at that time? A On Spaniard Creek, in Canadian District.
Q Did he own any property in the Cherokee Nation at the time he lived here? A Yes sir, and owns it yet, owns a farm downhere and meadow land, fenced, and the house is burned up.
Q Who had charge of that farm? A I suppose Charley Reaves has charge of it now; I had charge of it for a long time until I moved off from here; I have a power of attorney now at home.
Q Is Bain living or dead? A No he is dead.

BY MR. HASTINGS:

Q About what date now did you think they left here? A Well William I couldn't say for certain; it must have been, I wouldn't say for certain, it might have been 1895, probably 1896.
Q Perhaps earlier? AIT might have been the fall of 1894, I don't know.
Q These children though never have come back here? A Yes, they have been here, all of them back here.
Q Did you ever see them? A Part of them, I saw Cordie last summer here.
Q When she was here to enroll? A No, I didn't see her while she was here to enroll; she had been here about a year down until this last fall sometime she went back.
Q She marriedin Texas? A I understood do.
Q Husband lives in Texas? A I understood so.
Q These children are living in Texas? A Yes sir.
Q Living there now? A Yes sir.
Q How much place have they in there? A About three hundred acres fenced.
Q Broke out? A They have a lot of it, I bought the place and give five hundred dollars for it.
Q Of their Strip money? A I don't know whether it was their Strip money or not.
Q What where did you get the money? A Frank Bain furnished the money.
Q Was that after the Strip payment? A I couldn't say whether it was after or before.
Q Before or after he left here? A Oh it was before he left here.

W.S.AGNEW, being first duly sworn and being examined testified as follows:

BY MR. OWEN:

Q What is your name? A W.S.Agnew.

Q What is your age? A 59.
Q What is your post-office address? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you acquainted with D. F. Bain? A Yes sir, I was when he was here.
Q Do you know when he was admitted to Cherokee citizenship, re-admitted, did you know of the occurrence at the time? A Yes, I heard of him being re-admitted.
Q Were you a member of the Council at that time? A No sir.
Q When was it? A It was sometime after 1890, somewhere in the '90s, I think.
Q You know whether he ever lived here after he was admitted? A Yes sir.
Q Where did he live? A Down here in Canadian District.
Q Did he own any property there? A Yes sir, he bought a farm there.
Q Did his children live with him at that time? A Yes sir.
Q Were they recognized as Cherokees, his children? A Yes sir.
Q You know whether they attended the Cherokee schools or not? A I don't remember whether he had any school there at that place; I don't think he did.
Q You know where they were during the Cherokee Strip payment? A Yes sir, they were here then.
Q Did they participate in that payment? A Yes sir.
Q Did you live in that neighborhood? A Yes sir.
Q How close to them? A I lived about a half a mile from them, maybe not so far.

BY MR. HASTINGS:

Q These children are now all in the State of Texas? A I think they are.
Q And they have been ever since they went back with their father? A I think so, only two of them come up here sometime last year.
Q On a visit? A Yes sir.
Q Their father died down there? A Yes sir.
Q Their mother is living in the state of Texas? A I heard that she is living.
Q That is your information? A Yes sir.
Q This oldest girl is married down there, has a husband? A Yes sir, that's what I understand.

BY COMMISSION: It is directed that copies of this testimony be filed with and made a part of the record in the case of Fannie Bain, Cherokee No. R-540.

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I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cordie Johnson, et.al. for enrollment as Cherokee citizens, consolidating the applications of:

Cordie Johnson, et. al.....Cherokee R 569
Fannie Bane, ...Cherokee R 540

DECISION.

---oOo---

The record in these cases shows that on February 13, 1901, Cordie Johnson and Fannie Bane appeared before the Commission at Muskogee, Indian Territory, and then and there made personal application for their enrollment as citizens by blood of the Cherokee Nation. Cordie Johnson also made application for the enrollment of her sisters Madgie, Josie and Vinnie Bane and her brother Leonard Bane, and also for her minor children Jewelle, Margie and Myrtle Johnson as citizens by blood of the Cherokee Nation. On March 15, 1902, the applicants, by their attorney, appeared before the Commission at its office in Muskogee, Indian Territory and further proceedings were then and there had relative to these applications.

The evidence shows that one R. F. Bane, the father of the principal applicants, together with four of the above named applicants, his children, namely; Cordie, Fannie, Madge and Leonard were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 11, 1893. The provisions of the act of admission required that the persons named therein should locate in the Cherokee Nation within six months from the date of its passage. It appears that R. F. Bane came to the Cherokee Nation with his family in the spring of 1893 and was residing in the Cherokee Nation during the time of the Strip payment in 1894. Shortly

Thereafter B.F. Bane returned to Texas, with his family, where he died. Some of the applicants have returned to the Cherokee Nation to live and are still residing in the State of Texas. Since her removal from the Cherokee Nation Cordie Johnson has married one Frank Johnson, a white man, and her three children above named are the issue of that marriage. Cordie Johnson, Fannie, Maggie, Josie, Vinnie and Leonard Bane are identified on the Cherokee Census roll of 1896 and the Strip payment roll of 1894.

The authority of the Commission herein is defined in Paragraph 9, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 495), which is as follows:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of the Commission that Cordie Johnson, Maggie Bane, Josie Bane, Vinnie Bane, Leonard Bane, Jewelle Johnson, Margie Johnson, Myrtle Johnson and Fannie Bane are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that their application for enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this 11 1902

-----IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF CORDIE JOHNSON, PAWNEE BANE ET AL., AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.-------

----MOTIONS FOR REHEARING AND READJUDICATION.------

Comes now Cordie Johnson, and moves the Honorable Secretary of the Interior for a Rehearing, in the matter of the application for the enrollment of herself, her children, Jewelle, Margie, and Myrtle Johnson, her sisters Maggie Bane, Josie Bane Bratbury, Vinnie Bane and Fannie Bane, and her brother Leonard Bane as citizens by blood of the Cherokee Nation, for the reason that your petitioner has new evidence to offer which was not presented at the former hearing of the case, and by which your petitioner is now prepared to prove

(1) That on December 11, 1893, the father of your petitioner and of her said sisters and brother, was readmitted to citizenship in the Cherokee Nation by Special act of Council, which said admission was conditional upon said B.F. Bane removing to and permanently establishing his residence in the Cherokee Nation within six months.

(2) That said B. F. Bane complied with the conditions of said Act.

(3) That your petitioner and her said brother and sisters were minors at the time of the readmission of their said father.

(4) That their said father left the Cherokee Nation on the advice of his physician with the intention of spending the winter in the State of Texas, but that he died before the winter was over.

(5) That your petitioner returned to the Cherokee Nation as soon as possible after reaching her majority and that all of her said brothers and sisters returned to said Nation while they were yet minors.

(6) That your petitioner and her said sisters and brothers continued to hold and own their father's farm and improvements in the Cherokee Nation and that during their minority said farm was managed for them by John D. Jordan who accounted for the profits of the same to their mother.

Your petitioner is prepared to prove said facts by the testimony of John Reaves, John D. Jordan, and W. S. Agnew, whose affidavits are hereto attached, and by the testimony of Dr. F. B. Fite and Alex Jordan, whose affidavits are now on file with the record in this case.

And your petitioner further further moves the Honorable Secretary for a Readjudication of the matter of the application for the enrollment of herself and her said children, sisters and brother, and that they be ordered enrolled on the testimony in the case as the record now stands, for the reason that the evidence shows that said B. F. Bane with all his children did remove to and establish a residence in the Cherokee Nation, within six months from the date of his readmission to citizenship; that his absence in Texas was caused by ill health and was meant to be no more than a visit; that the applicants in this case did not lose their citizenship because of their absence in Texas since they remained only dting during their minority and their absence therefore even if it had bn been intended by them as a renunciation of their rights, could not in law have amounted to such a removal from the Nation as to requim them to show that they had "heretofore removed to and in good faith settled in said Nation" unless such is shown to have become their intention after the disability of minority had p passed away.

Cordie Johnson

Indian Territory, Western District.

SUBSCRIBED AND SWORN TO BEFORE ME this 21 day of June, 1906.

My Commission expires Aug 4-1909

Olivia E. Cramer

(Seal)

Notary Public.

.....In the matter of the APPLICATION FOR THE ENROLLMENT OF CURTIS JOHNSON AND DAVID BANE ET AL. AS CITIZENS BY BLOOD of the CHEROKEE NATION.....

.....OPINION.....

The points involved in the Motion for Rehearing and in the Motion for Readjudication, are identical. The Motion for Rehearing offers further proof of certain material facts. The Motion for Readjudication assumes that these facts are already proven and ask for enrollment on the record as it now stands. We believe that this assumption is warranted because the Commission in its decision found that Bane had been conditionally readmitted to citizenship in 1893 and that he and his family had remained in the Cherokee Nation until after the Strip Payment in 1894. The testimony shows t that he remained until late in the fall of 1894. The testimony also shows that at the time of Bane's visit to Texas, all of his children who are applicant's in this case, were minors. The children being minors at the time of the father's readmission, they became citizens of the Cherokee Nation upon his compliance with the provisions of the Act admitting him. Did they lose their Citizenship, and if so, how?

Being minors they took the citizenship of their father. The evidence shows that the father, dying of consumption, went south to prolong his life. Did he forfeit his citizenship in the three months that he lived? We think not. The Cherokee Constitution provides

"That whenever any citizen shall remove with his effects out of the limits of the Nation, and become a citizen of any other Government all his rights and privileges as a citizen of this Nation shall cease."

Bane held a farm and improvements in the Cherokee Nation. There is not one iota of evidence that he became a citizen of another Nation during the three months of his life after leaving the Cherokee Nation. Certainly if a three months absence causes a change of citizenship or even of domicile, half the people of means of th the United States change their citizenship and domicile on an over-

age of twice a year when they go to and returns from their summer or winter outings. Bane, being a citizen and a legal resident of the Cherokee Nation, though temporarily absent, therefore his minor children remained citizens and residents during their minority.

Even after manifesting their majority the Cherokee citizenship and residence of the children continued until and unless by some positive declaration or action they voluntarily abandoned the residence and nationality given to them by their father. The Cherokee Nation continued to carry the Bane children on the Rolls. Their names are found on the Census Rolls of 1896.

In the case of James W. Shirley, the Department held
"The presumptions arising from enrollment or want of enrollment may be attacked for error or fraud or for error inadvertence or accidents, but the burden of proof is clearly upon the party disputing the verity of the Roll."

It then follows that from the enrollment in 1894 of B. F. Bane, and his family, we might have presumed that which we have proven that Bane complied with the provisions of the Act admitting him and that he had within six months of his admission "removed to and in good faith settled in the Cherokee Nation". From the 1896 enrollment we are authorized to presume that the fact that the minor children remained away during their minority was not considered by the authorities of the Nation as an abandonment of citizenship within the meaning of the Constitution. If the citizenship was not abandoned the Law does not require a new removal to the Cherokee Nation to be proven. In his opinion in the Yeargain Case, I.T.R. 1168-1203, the Assistant Attorney General quotes the provision of the Cherokee Constitution above set forth and interprets it as follows:

"There are three elements clearly defined which must concur to effect forfeiture of nationality or complete expatriation, viz: removal of the person, coupled with removal of his family and property, and [illegible] the children [illegible] their [illegible] with the intent with which such acts be done, for if all property and the person were for some temporary purpose removed from the Nation, and if acts were done which show the construction of [illegible] the children of citizens to remain [illegible] [illegible] for [illegible], yet if the family of [illegible] and prop-

ty were for some temporary purpose and with intent to return, and the Act simply an assumption of duties of citizenship elsewhere, had no such purpose then the change of citizenship would not follow."

Applying such tests to the facts in the present case it is clear that the Banes did not lose their Cherokee Nationality.

The marriage of Cordie Bane to a Non-citizen while in Texas is made much of by the National attorney in his examination of the witnesses in this case. In Shanks vs Dupont, 3 Pet. 242, the Supreme Court held: "Marriage with an alien, whether friend or enemy produces no dissolution of the native allegiance of the wife."

In brief we contend that

(1) B. F. Bane with his children, the principal applicants in the case, did return to and establish their residence in the Cherokee Nation within six months after his readmission in 1893, and the that this is evidenced by his name and the names of his children appearing upon the 1894 Pay Roll and the testimony in the case.

(2) That his trip to Texas was made with the intention of returning and that no evidence has been introduced tending to disprove this fact.

(3) D That being minors, his children the applicants herein, could not renounce their citizenship in the Cherokee Nation or their domicile there.

(4) No evidence has been introduced tending to show that such of the children as have reached their majority did abandon their citizenship and domicile in the Cherokee Nation.

(5) That, therefore, the applicants having removed to and in good faith settled in the Cherokee Nation in the the year 1894, the they do not come within the prohibition that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

RESPECTFULLY SUBMITTED

Brook & Brook Brown & Strang

ATTORNEYS FOR APPLICANTS.

Copy

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF
FANNIE BANE ET AL AS CITIZENS BY BLOOD OF THE
CHEROKEE NATION.-----

---------- AFFIDAVIT.---------

I, John D. Jordan, on oath state that I am fifty two years old and a citizen by blood of the Cherokee nation; that I was well acquainted with B. F. Bane, the father of Cordie Johnson, Madgie Bane, Leonard Bane, Josie Bradbury, Vinnie Bane and Fannie Bane; that said B. F. Bane was re-admitted to citizenship in the Cherokee Nation by Act of the National Council in 1893, and that at the time of his re-admission said B. F. Bane was residing in the Cherokee Nation; that he continued to reside in said Nation until late in October, 1894, except for a period of less than one month, during the month of February, 1894, when he went to Texas for his family, all the members of which returned with him to the Cherokee Nation in February, 1894.

That said B. F. Bane purchased and improved a farm in the Cherokee Nation. That late in October, 1894, said B. F. Bane, being in the last stages of consumption, was advised by his physician to remove farther south for the winter, and that following said advice, he removed with his family to the state of Texas. That he did not abandon his home in the Cherokee Nation but always intended to return thereto, which intention was made impossible of accomplishment by his death, which occurred about three months after he had left the Cherokee Nation.

That B. F. Bane had placed me in charge of his farm in the Cherokee Nation and that I remained in charge of same and accounted for the rents and profits to his widow, as all of his children were minors and therefore not able to manage their own affairs.

That said farm was fenced and had a House on it, which is now burned down, and that said improvements belong to and were held by the Bane children.

John D Jordan

Indian Territory,
Northern District.

Subscribed and sworn to before me this 19 day of June, 1906.

Allen Holden

Notary Public.

My Commission expires April 25, 1909

(Seal)

Copy

----IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF CORDIE JOHNSON AND FANNIE BANE ET AL. AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.-------

---------AFFIDAVIT.--------

I, W. S. Agnew, on oath state that I am 68 years old and a citizen by blood of the Cherokee Nation; that I knew B. F. Bane and that I know that he resided in the Cherokee Nation for several months after his readmission to citizenship in December 1888. That at the time B. F. Bane was living in the Nation, all his children were quite young and none of them were of age. That said B. F. Bane was stricken with consumption, and in the late fall of 1894, he went south for the purpose of spending the winter in Texas. That I heard of his death in Texas a few months after he left the Nation; that his children were too young to chose their own residence or manage their own affairs, and that Cordie Bane now, Cordie Johnson, returned to the Cherokee Nation shortly after reaching her majority, and that said children are now residing in the Territory.

That it was never my understanding that B. F. Bane or his children had abandoned the Cherokee Nation, but that because of his death, the mother of the children remained with them in Texas until the eldest of them became of age at which time they promptly chose for themselves and for the younger members of the family the home and nationality of their father.

W. S. Agnew

Indian Territory,
Western District:

Subscribed and sworn to before me this 10 day of June 1906.

My Commission expires July 1-1906

G T Warren

Notary Public.

(Seal)

Copy

-----IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF CORDIE JOHNSON ET AL AND BARNES BANE ET AL AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.-------

-------AFFIDAVIT.----------

I John Reaves, being duly sworn, on oath state that I am 69 years old and a citizen by blood of the Cherokee Nation; that B. F. Bane was my half brother and that said B. F. Bane was on December 11, 1893, readmitted to citizenship in the Cherokee Nation, upon condition that he remove to said Nation and establish his residence therein within six months. That he complied with said condition by bringing his family to the Cherokee Nation, in February 1894, by purchasing and improving a farm and by making his home in said Nation. That at that time Cordie Bane, now Cordie Johnson, the oldest child was less than fourteen years of age; that late in October, 1896, B. F. Bane being in the last stages of consumption, and desiring to prolong his life, went south to Texas for the winter, and being unable to support two establishments, he took his family with him; that about three months after leaving the Cherokee Nation, B. F. Bane died, and his widow left his children during their minority, with her in Texas; that John D. Jordan acted as Agent for the Banes and managed their farm in the Cherokee Nation and that Cordie Johnson, shortly after reaching her majority, and the other children while yet minors, returned to the Indian Territory where they now reside. That said B. F. Bane never abandoned his Cherokee home and citizenship, that the Nation continually and continuously recognized the citizenship and legal residence of his family by carrying their names on the census rolls, and that no one questioned but that the Cherokee Nation was the home and residence of said children.

John Reaves

Indian Territory,
Western District:

SUBSCRIBED AND SWORN TO before me this 10 day of June, 1905.

My Commission expires June 9 1908

Peter V. Ziegler, Jr
Notary Public.

(Seal)

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JUL 5 1906

COMMISSIONER.

CR 539
CR 591

Copy

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the applications of Cordie Johnson, et al., C. R. 539, Fannie Hume, C. R. 591, for enrollment as citizens of the Cherokee Nation by blood.

Reply of the Cherokee Nation.

The record in this case shows that application was made on behalf of applicants herein before the Commission to the Five Ci vilized Tribes on February 13, 1901. The record further shows that they were placed upon a rejected card at the time by the commissioner hearing the case and an extended judgment, a synopsis of the testimony, was entered up at the close of the hearing. The Commission, however, formerly rejected them on July 16, 1902, and on April 4, 1904, the Secretary of the Interior of the Interior Remanded it for a rehearing; the record further shows that it was resubmitted on May 17, 1905, without any additional testimony having been taken and the applicants again rejected, and that this rejection was approved by the Secretary of the Interior on June 17, 1905.

The record conclusively shows that these applicants are not entitled to be enrolled as citizens by blood of the Cherokee nation for a number of reasons:

First. The testimony of Cordie Johnson on February 13, 1901, being then 21 years of age, testified that her postoffice was Laneville, Texas, where her other brothers and sisters then resided; that with her parents they came to the Cherokee Nation from Texas in February, 1893, and that they returned to the State of Texas in August of 1893, and the record further shows that thi s family of those born at that time were conditionally readmitted to citizenship by the Cherokee Council on December 11, 1893, the condition being that they remove to and locate permanently in the Cherokee Nation within six months thereafter. Now the testimony is clear and convincing that up to the time this application was made and so far as the evidence in this case speaks up to the present time these applicants are citizens and residents of the State of Texas and had never returned here and therefore did not comply with the condition imposed by

their readmission and therefore never became citizens of the Cherokee Nation. It is not a question of forfeiture of citizenship, but it is a question of their acquiring citizenship to forfeit. They never complied with the conditions of the act. They never became citizens of the Cherokee Nation and therefore were never entitled to be enrolled as citizens of the Cherokee Nation.

Second. They are not entitled to be enrolled under the act of December 4, 1894, which provides that all persons admitted prior to that time should return to the Cherokee Nation within six months from that date.

Third. They are not entitled to be enrolled under Section 21 of the Curtis Bill, which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is conceded by all that none of them were residents here on June 28, 1898, and the Assistant Attorney General for the Department of the Interior on December 28, 1905 (I.T.D 13218-1905) in an opinion rendered as to whether or not the act of June 28, 1898, made an exception of minors said:

"As to the second request I am unable to see that any distinction is to be made between adults and minors who failed to locate permanently in the nation. While minors are excepted from operation of the act of Cherokee nationional Council of December 4, 1904, no such exception in their favor has been made by any act of congress. The act of June 28, 1898, among other things, provided that 'no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.' This provision is in the nature of both a limitation and a condition precedent to the right claimed and is similar in purpose and effect to the limitation considered by this office in the opinion of June 8, 1901, in the cases of Nancy . Smith and Lottie B. Adams. As nothing ~~in~~ existed in the legislation of Congress exempting minors or insane persons from its operation the limitation was held to operate upon them. The provision now under consideration is entirely analogous. It was held operative against adults by my opinion of December 20, 1903, in the case of Allie Williams and on March 12, 1904, in the case of Mary L. Strickland, and as to minors that is the necessary implication and effect of my opinion of June 15, 1905, in the case of Alice Owen.....I am therefore of opinion that the rule established in the decision in the case of Mary L. Strickland and Allie Williams as to adults and by necessary inference held applicable to children by the opinion of Alice L. Owen is a proper one and should be followed."

It is not contended on behalf of applicants that they were residing here on June 28, 1898, or that they had ever resided in the Cherokee Nation subsequent to 1893.

Fourth. The motion filed herein, supported by the affidavits of John Reeves, John T. Jordan and W. S. Agnew, should not be allowed for the

reason that by an investigation of the record we find that on May 15, 1902, the same John Reeves, Alex Jordon, John D. Jordan and W. S. Agnew appeared before the Commission and were examined at length by an attorney representing the applicants and were cross-examined by the representative of the Cherokee Nation, a fact not alluded to in the motion to reopen filed on behalf of applicants. Subsequent to the taking of this testimony of these four witnesses whose affidavits are attached to the motion for a rehearing now these applicants have been twice denied by the Commission to the Five Civilized Tribes and finally the denial affirmed by the Secretary of the Interior on June 17, 1905.

We submit that there is nothing new submitted on behalf of the applicants in their motion for a rehearing and readjudication; that all of the testimony that could have been introduced has been introduced on behalf of the applicants and under the law there are none of them entitled to be enrolled and for these reasons their motion for a rehearing and readjudication should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for review of the application for the enrollment of Dennis Lane, Cordie Johnson, et al., as citizens by blood of the Cherokee nation.

Reply of the Cherokee Nation.

The records in this case show that application was made for the enrollment of the applicants herein and that their applications were denied, and that on June 17, 1905, the decision of the Commission to the Five Civilized Tribes of date May 17, 1905, was affirmed by the Secretary of the Interior.

The records further show that on June 25, 1906, a motion for a rehearing was filed and that answer was filed on behalf of the Cherokee Nation on July 6, 1906. In the motion for rehearing and in the answer filed by the Cherokee Nation all of the questions raised in this motion were then raised and submitted to the Department for consideration, and the Department on December 31, 1906, denied the motion to reopen (I.T.D. 24500-1906). The letter of the Commissioner of Indian Affairs of date December 6, 1906 (Land 46654-1905, 95642-1906), carefully reviews the facts in the case, to whi ch reference is respectfully made. Inasmuch as no new argument is advanced in this motion, we submit the same to the Department by referring it to its former action in this case.

Respectfully submitted,

(Signed) W. W. Hastings
Attorney for the Cherokee Nation.

Copy

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF FANNIE MAIN ET AL, and CORDIE JOHNSON ET AL AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.--------

---------REPLY BRIEF of APPLICANTS.---

In view of the argument of the Cherokee National Attorney, we deem it necessary to state that we do not and have not contended that minors are excepted from the operation of that part of the Act of June 28, 1898, which provides that "no person shall be enrolled who has not heretofore removed to and settled in the nation in which he claimed citizenship."

What we do contend is that the testimony, the decision of the Commission and the decision of the Department all show that the applicants in this case did "heretofore remove to and in good faith settle in the Nation in which they claim citizenship"; that they removed to and settled in the Cherokee Nation in 1894. Had the applicants never removed to the Cherokee Nation and settled therein we would not now be attempting to prosecute their claim. But they having removed to and settled in the Cherokee Nation, we contend that no act of theirs during their minority could operate to change to their detriment their legal residence or domicile.

Not having lost their domicile or residence after their removal to the Cherokee Nation the law does not require of them a second compliance with its provisions.

As to the testimony of Cordie Johnson in 1901, as referred to by the National Attorney, we again call attention to the later testimony in the case and to the decision of both the Commission and the Department on the facts as they appear from all the testimony submitted.

I, W.W. Wastings, National Attorney for the Cherokee Nation, acknowledge service of the within reply Brief of Applicants this 12 day of July, 1906.

July 12, 1906. (Sig) Ed E Brook

Attorney for Cherokee Nation.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] the [illegible] of the [illegible] of the Division of the Department of December 31, 1[illegible], denying a motion to readjudicate the right to enrollment of said applicants, for the following reasons:

(1) That said decision was against the law.
(2) That said decision was against the evidence.
(3) Because without taking to the applicants and their witnesses additional testimony, the Department reversed the former finding of facts and, basing its determination on new and erroneous finding of facts, it failed to consider the propositions of law as stated in the briefs of Attorneys and applicable to this case.

[illegible]

OUR ORIGINAL
BEST AVAILABLE COPY

[illegible] matter of the application for the enrollment of [illegible] Bain, [illegible] as a citizen of the Cherokee Nation [illegible]

[illegible]

The third reason for denial given in the letter to which [illegible] is attached [illegible] the others.

In the year 1896, after the first hearing in the case, the Commission found substantially the facts found by the Department in the Bernard case complained of. This finding was approved by the Department. Subsequently, however, a Rehearing was granted, and, after further investigation the Commission on July 16, 1902, found

"It appears that B.F. Bain came to the Cherokee Nation in the Spring of 1893, and was residing in the Cherokee Nation during the time of the Strip payment in 1894. Shortly thereafter B. F. Bain returned to Texas with his family, where he died."

This finding of facts was concurred in by the Department in the following words (I.T.D. 4501, 1902):

"The evidence shows that B.F. Bain, father of the principal applicant herein, was admitted with certain of these applicants, to Cherokee Citizenship on December 11, 1893. That soon after the time of the Strip payment in 1894, B. F. Bain and his family returned to the State of Texas where he died."

The only evidence submitted since that time has been in the form of affidavits submitted by the applicants and all corroborating these findings of facts. Among these affidavits is one by Dr. W. R. Fite, a most eminent physician, and one of the wealthiest, most prominent, and most highly respected citizens of the new state. This affidavit of Dr. Fite shows conclusively that the father of the applicants did not leave Indian Territory until the fall of 1894. We have no doubt that were the personal attention of the Honorable Secretary of the Interior, to whom Dr. Fite is known, drawn to this case, the affidavit of Dr. Fite based upon his Book Record, would be sufficient to settle any doubt that might exist as to the facts.

POOR ORIGINAL -
BEST AVAILABLE COPY

[illegible] contest [illegible]

[illegible] our [illegible]

[illegible] above [illegible]

[illegible] the [illegible]

Motion for Readjudication by disturbing without Notice and without additional investigation findings of facts that are based upon an overwhelming preponderance of the evidence, corroborated by the uncontroverted affidavits of reputable Cherokee Citizens, and by the affidavits of one of the most respected physicians in the Territory, and that are further corroborated by the presumptions to be drawn from the fact that the names of the applicants have been continuously carried by the Cherokees themselves upon their Tribal Rolls.

We, THEREFORE urge upon the Department that it should consider the questions of law cited and argued in our briefs on the Motion for Readjudication in the light of the real facts in the case as found by the Department in its former decision.

RESPECTFULLY SUBMITTED,

ATTORNEYS FOR APPLICANTS.

Service of the within Motion for Review and Argument acknowledged this 8th day of February, 1907.

ATTORNEY FOR THE CHEROKEE NATION.

POOR ORIGINAL -
BEST AVAILABLE COPY

FILED

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKSHIRE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, [redacted] 1902

[redacted]

[redacted]

[redacted]

You are hereby notified that the application of [redacted]

for enrollment as [redacted] citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the [redacted] day of [redacted], 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

[redacted]

Acting Chairman.

COPY.

Cher. R 339

Muskogee, Indian Territory, July 16, 1902.

Cyrtis Johnson,

Leneville, Texas.

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting, among others, your application for the enrollment of yourself, your three sisters, Madgie, Josie and Vinnie Bane, your brother, Leonard Bane, and your three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation. The decision, with a copy of the proceedings had in the case, had this day been forwarded to your attorney of record, Thomas Owen, Muskogee, Indian Territory.

The decision, together with a copy of the proceedings, has also this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

Register.

Enc. C. No. 116.

COPY

Cher. R 639.

Muskogee, Indian Territory, July 16, 1903.

Thomas Owen, Esq.,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the record of proceedings had in the matter of the application of Cordie Johnson for the enrollment of herself, her three sisters, Madgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation. Also, a copy of the record of proceedings had in the matter of the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision rejecting the application for the enrollment of said persons.

The decision, with a copy of the proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

Register.

Enc. C. No. 117.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R 539.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Cordie Johnson for the enrollment of herself, her three sisters, Madgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three children, Jewelle, Margie and Myrtie Johnson, as citizens by blood of the Cherokee Nation, and also rejecting the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. C. No. 118.

COPY.

Cher. R 539.

Muskogee, Indian Territory, July 16, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sordie Johnson for the enrollment of herself, her three sisters, Hudgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation, and also the record of proceedings had in the matter of the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 16, 1908, rejecting the application for the enrollment of said persons.

Respectfully,

Tams Bixby

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 119.

COPY

Chor. 2 Sch.

Muskogee, Indian Territory, July 24, 1906.

Tamako Chief,

Kenwhile, Texas.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. The decision, with a copy of the proceedings had in the case, has this day been forwarded to your attorney of record, Thomas Owen, Muskogee, Indian Territory.

The decision, with a copy of the proceedings had in the case, has also this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

Enclosure.

Enl. C. No. 120.

COPY

Refer in reply to
the following:
Land
42718--1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission, dated July 16, 1902, transmitting the record relative to the application of Cordie Johnson nee Bane, for the enrollment of herself, her 3 sisters, Madgie, Josie and Vinnie Bane, her brother Leonard Bane, and her 3 children Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation. Also the record relative to the application of Fannie Bane for the enrollment of herself as a Cherokee by blood. July 16, 1902 the Commission held that the applicants were not entitled to enrollment as citizens by blood of said nation.

The record in this case shows that in 1893 B. F. Bane and some of the applicants lived in the Cherokee Nation; that they removed from the Cherokee Nation to Texas during the month of August, 1893; that on December 11, 1893 said B. F. Bane father of the principal applicant, the principal applicant, her sisters, Madge or Madgie, and Vinnie, and her brother Leonard were admitted to citizenship in the Cherokee Nation. The record does not show that Josie Bane was admitted to citizenship in said nation at that or any other time. From the record it does not appear that these applicants or the

father of the principal applicant lived in the Cherokee Nation at the time some of them were admitted to citizenship or at any time subsequent to the said admission.

That being true the decision of the Commission is correct and should be affirmed.

Very respectfully,

Your obedient servant,

Acting Commissioner.

G. A. W. (E.)

R 539

D. C. No. 13539-1902.

L. R. S. 49036 MAF.

ITD. 4601-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of July 16, 1902, you transmitted the consolidated case of Cordie Johnson et al. and Fannie Bane, involving the applications for enrollment of Cordie Johnson and her sisters, Madgie, Josie and Vinnie Bane, and her brother Leonard Bane, and her minor children, Jewelle, Margie and Myrtie Johnson, and of Fannie Bane, as citizens of the Cherokee Nation by blood.

The evidence shows that B. F. Bane, father of the principal applicants herein, was admitted, with certian of these applicants, to Cherokee citizenship on December 11, 1893; that soon after the time of "the Strip payment in 1894" B. F. Bane and his family returned to the State of Texas where he died; that after such return none of these applicants has resided in the Cherokee Nation; that certain of the applicants are identified on the 1894 and 1896 Cherokee rolls. You denied the application in accordance with the provision of the act of June 28, 1898 (30 Stat., 495), that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The Acting Commissioner on July 29, 1902, stated that your decision should be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary,

D. L.

1 inclosure.

COPY

Cherokee 2 [illegible].

Muskogee, Indian Territory, September 3, 1902.

Cordie Johnson,

Lanesville, Texas.

Madam:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting, among others, your application for the enrollment of yourself, your three sisters, Madgie, Josie and Vinnie Bane, your brother, Leonard Bane and your three minor children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Acting Chairman.

COPY

Cherokee R 320.

Muskogee, Indian Territory, September 3, 1902.

Thomas Sims,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Cordie Johnson for the enrollment of herself, her three sisters, Maggie, Josie and Vinnie Hane, her brother, Leonard Hane, and her three minor children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 539.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Cordie Johnson for the enrollment of herself, her three sisters, Madgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three minor children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

WGF

DEPARTMENT OF THE INTERIOR, FRB
Washington, April 4, 1904.

I.T.D. 4601-1902.
7162-1903.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 16, 1902, the Department affirmed your decision rejecting the application of Cordie Johnson for the enrollment of herself, her three sisters, Madgie, Josie and Vinnie Bane, her brother Leonard Bane, and her three minor children, Jewelle, Margie and Myrtie Johnson, as citizens by blood of the Cherokee Nation, and of Fannie Bane for the enrollment of herself as a citizen by blood of said Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion, in its letter of October 7, 1903.

The Department considers it proper to remand this case, in order that further testimony may be taken, upon the request of the applicants or the Cherokee Nation, and for readjudication in accordance with present rulings. The decision of August 16, 1902, is therefore rescinded and the testimony and papers attached thereto are inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee R-539

Tahlequah, Indian Territory, April 16, 1904.

Cordie Johnson,

Leneville, Texas.

Dear Madam:

On April 4, 1904, the action of the Secretary of the Interior of August 16, 1902, affirming the Commission's decision denying the application for the enrollment of yourself and your brothers and sisters as citizens by blood of the Cherokee Nation, was rescinded and your case was remanded for further testimony and readjudication.

You are, therefore, hereby notified that any further testimony you may have tending to establish your rights to enrollment can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 18, 1904. Evidence is particularly required as to residence.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Cherokee R-539

Tahlequah, Indian Territory, April 14, 1904.

Thomas Owen,

Attorney for Cordie Johnson et al.,

Muskogee, Indian Territory.

Dear Sir:

On April 4, 1904, the Secretary of the Interior rescinded his decision of August 16, 1902, approving the Commission's decision denying the application for the enrollment of Cordie Johnson et al., as citizens by blood of the Cherokee Nation, and remanded that case for further testimony and readjudication.

You are, therefore, hereby notified that any further testimony you may desire to present on behalf of these applicants can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 18, 1904. Evidence is particularly required as to residence.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYERSWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-539

Tahlequah, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior of August 16, 1902, approving the Commission's action denying the application for the enrollment of Cordie Johnson et al., as citizens by blood of the Cherokee Nation, Cherokee R-539, was rescinded and said case was remanded for further testimony and re-adjudication.

The principal applicant and her attorney have this day been notified that any further testimony they may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 18, 1904, at which time you can, if you desire, be present and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

(COPY)

Commissioners.
Tams Bixby
Thomas B. Needles
C.R. Breckinridge.

Wm. O. Bell.
Secretary

B.C.J.
Address only the
Commission to the Five Civilized Tribes.

Tahlequah, Indian Territory, June 10, 1904

Commission to the Five Civilized Tribes,

(Cherokee Division)

Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith jackets and records in the following Cherokee cases:

Cherokee R-538.	Cordie Johnson, et al.
Cherokee R-460.	Walter H. Goss, et al.
Cherokee R-404.	Hugh B. Henry, et al.
Cherokee R-135.	George W. Martin, et al.

On April 4, 1904, these cases were reopened by the Secretary of the Interior and remanded to the Commission for the purpose of receiving further testimony in the same. On April 16, the principal applicants in the above cases, their attorneys and the Attorney for the Cherokee Nation, were advised of the action of the Department and notified that they would be given until 1 May 18, 1904, in which to appear before this office for the purpose of introducing any further testimony they desired.

There were no appearances on or before May 18, 1904, and

the records in the above cases are therefore transmitted to the Commission for such further action as it desires to take.

Respectfully

U. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

WRR
Encl R-193

A. F. M.

Muskogee, Indian Territory, May 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

The Department in its letter of April 4, 1904, (I. T. D. 7122-1903), upon request of the Commission, remanded the case of Cordie Johnson, et al., Cherokee D-529 and Fannie Bane, Cherokee D-548, for readjudication in the light of the Yeargain and other similar cases.

Upon re-examination of said cases, this Commission can find no error in its decision of July 16, 1902, denying the applications of said Cordie Johnson for the enrollment of herself and her brothers and sisters, Hodgie Bane, Leonard Bane, Sookie Bane and Vinnie Bane, and her minor children, Jennie Johnson, Margie Johnson and Myrtle Johnson, and of Fannie Bane for the enrollment of herself, as citizens by blood of the Cherokee Nation, and considers the rulings in the Yeargain and other similar cases

not applicable to the within cases, and respectfully recommend the said decision be approved.

Respectfully,

(Signed) [redacted]

(Signed) [redacted]

(Signed) [redacted]

Enc. R-539 and R-540.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee R 139.

Muskogee, Indian Territory, May 17, 1908.

Cordie Johnson,

Laneville, Texas.

Dear Madam:

There is herewith inclosed a copy of a letter of the Commission to the Five Civilized Tribes, dated May 17, 1908, to the Secretary of the Interior transmitting the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, and asking that its decision dated July 16, 1902, rejecting said application, be adhered to.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams, Chairman.

Incl. 3-99
Register

COPY.

Cherokee 2 Sec,

Sec,

Muskogee, Indian Territory, May 17, 1906.

Thomas Owen,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of a letter of the Commission to the Five Civilized Tribes, dated May 17, 1906, to the Secretary of the Interior transmitting the record of proceedings had in the matter of the application for the enrollment of Cordie Johnson, et al., as citizens by blood of the Cherokee nation, and asking that its decision dated July 16, 1902, rejecting said application, be adhered to.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-101
Register

112

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Checked & File.
Dec.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of a letter of the Commission to the Five Civilized Tribes, dated May 17, 1906, to the Secretary of the Interior transmitting the record of proceedings had in the matter of the application for the enrollment of Cordie Johnson, et al., as citizens by blood of the Cherokee Nation, and asking that its decision dated July 16, 1902, rejecting said application, be adhered to.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-102

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land, 30202-1921.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 26, 1922.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 4, 1922 (I. T. D. 7162-1922), there is enclosed a report from the Commission to the Five Civilized Tribes, dated May 17, 1922, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation by Cordie Johnson for herself, her sisters, Maggie, Josie and Vinnie Bane, her brother, Leonard Bane and for her minor children, Juvelle, Margie and Myrtle Johnson and by Fannie Bane for herself.

The Commission state that they find no error in their former action and reaffirm their adverse decision of July 16, 1921.

Under date of July 29, 1921 (Land 42716-1921) I had the honor to recommend approval of the decision of the Commission and I renew the same.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

J. F.
[illegible]

D. S. [illegible].
I. T. D. [illegible].
E. H. S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. June 17, 1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 17, 1908, you resubmitted the record in the consolidated case involving the applications of Cordie Johnson for the enrollment of herself and her brothers and sisters, Hodgie Bane, Leonard Bane, Josie Bane and Vinnie Bane, and her minor children, Jewelle Johnson, Margie Johnson and Myrtle Johnson, and of Fannie Bane for the enrollment of herself, as citizens by blood of the Cherokee Nation, and recommended that your decision of June 16, 1903, denying said applications, be approved.

Reporting May 26, 1908, the Indian Office renews its recommendation of July 29, 1903, that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock
Secretary.

1 inclosure.

COPY.

Cherokee R-339.

Muskogee, Indian Territory, June 27, 1908.

Cordie Johnson,

Laneville, Texas.

Dear Madam:

You are hereby advised that the Commission's decision dated July 16, 1902, rejecting the application for the enrollment of yourself et al., as citizens by blood of the Cherokee Nation, was reaffirmed by the Secretary of the Interior on June 17, 1908.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Muskogee, Indian Territory.

Muskogee, Indian Territory, June 27, 1906.

Thomas Owen,

Attorney for Cordie Johnson et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 16, 1902, rejecting the application for the enrollment of Cordie Johnson et al., as citizens by blood of the Cherokee Nation, was reaffirmed by the Secretary of the Interior on June 17, 1906.

Respectfully,

SIGNED. Tams Bixby

Chairman.

PY.

Cherokee R-636.

Muskogee, Indian Territory, June 27, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 16, 1902, rejecting the application for the enrollment of Cordie Johnson et al., as citizens by blood of the Cherokee Nation, was reaffirmed by the Secretary of the Interior on June 17, 1906.

Respectfully,

SIGNED. Tams Bixby,

Chairman.

Muskogee, Indian Territory, August 22, 1906.

Donovan & Griesel,

Muskogee, Indian Territory.

Gentlemen:

This office is in receipt of your letter of August 4, asking that you be re-entered as Attorneys in certain Cherokee and Creek enrollment cases, and a certain Cherokee allotment contest, and that you be advised of any action taken in said cases since June 26, 1906.

In reply you are advised that the name of Mr. Donovan has been entered as attorney in the Cherokee enrollment case of Cordie Johnson et al., and he will be advised of any further action taken in said case. There have been no proceedings had in this case subsequent to June 21, 1906, on which date a motion for a rehearing thereof was filed with this office, and same is pending at the present time.

From the information contained in your letter this office is unable to determine the particular case of Sarah Martin et al., to which you refer. You are requested to advise this office whether the same is a Cherokee freedman or Cherokee by blood case, the number thereof if known to you

and any members of the family of Sarah Martin included in her case. Upon receipt of such information Mr. Donovan will be advised as to the status of her case.

The petition filed with this office that the age of Mack Hayes be corrected upon the approved Cherokee freedman roll opposite No. 380, was transmitted to the Department August 15, 1906, for its consideration and action thereupon. Mr. Donovan will also be advised of any action taken by the Department relative thereto.

That part of your letter relative to the status of the Creek enrollment cases and the Cherokee allotment contest case mentioned by you, will be made the subject of a separate communication.

With reference to Mr. Griesel being permitted to practice you are advised tht on August 2, 1906, I was served with a mandate of the Honorable William R. Lawrence, Judge of the United States court for the Western District of the Indian Territory, in the case of Irwin Donovan versus Tams Bixby as Commissioner to the Five Civilized Tribes, in which I was ordered to permit the said Irwin Donovan to practice as an attorney before this office.

I have requested instructions from the Secretary of the Interior relative to the action which he may desire

To take in the matter of this suit, and I have not as yet heard from him in regard thereto. For this reason, and after consultation with Hon. W. M. Mottotte, United States District Attorney for the Western District of Indian Territory, who represents me in said suit, I do not deem it advisable at this time to reinstate to practice before this office the attorneys and agents in a similar status to that occupied by Mr. Donovan and whose names have been stricken from the list of agents and attorneys admitted to practice before this office. Therefore, I cann t permit Mr. Griesel to practice at the present time.

Respectfully,

L M B

Commissioner.

Cherokee
R 539 et al.

Muskogee, Indian Territory, August 31, 1906

Irwin Donovan,

Attorney for Cordie Johnson et al.

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt, on June 21, 1906, of a motion made by you for a rehearing in the Cherokee enrollment case of Cordie Johnson, et al., R 539 et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, October 20, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith "Motions for rehearing and readjudication" of the Cherokee enrollment cases of Cordie Johnson et al., and Fannie Bane. This motion was filed with this office June 21, 1906; reply thereto by the Attorney for the Cherokee Nation, filed July 5, 1906, and reply brief of Attorneys for applicants, filed July 12, 1906, are also enclosed.

The decision of the Commission to the Five Civilized Tribes dated July 16, 1902, rejecting the applications for the enrollment of Cordie Johnson and her sisters, Madgie, Jessie and Vinnie Bane, and brother ,Leonard Bane, and her minor children, Jewelle, Margie, and Myrtle Johnson, and of Fannie Bane, as citizens by blood of the Cherokee Nation, was affirmed by the Department, August 16, 1902 (I.T.D. 4601-1902); April 4, 1904 (I.T.D. 7162-1903), at the re-

quest of the Commission, the Department remanded said cases for rehearing and readjudication; April 17, 1906, the Commission recommended approval of its decision of July 16, 1902, adverse to the applicants, and on June 17, 1906(I.T.D. 6346-1906), the Department, concurring in the Commission's recommendation, affirmed said decision.

This motion is supported by the affidavits of John Reaves, W. S. Agnew and John D. Jordan, and in accordance with the rulings of the Department March 24, 1906 (I.T.D. 6206-1903), in the Cherokee freedman case of Ann Johnson, this motion should not be considered as one for review. The record shows that B. F. Bane, father of the principal applicants, together with his four children, Cordie, Fannie, Madge and Leonard Bane, were admitted to citizenship in the Cherokee Nation by the Cherokee National Council December 11, 1893, with the provision "that this Act shall not go into effect until said B. F. Bane and children shall have permanently located in the Cherokee Nation;" that B. F. Bane and family were living in the Cherokee Nation at the time of their admission and continued to reside there until August of 1893, when they returned to Texas, where the father died and the applicants

herein have since continued to reside. No claim is made in the motion, of the discovery of new evidence, and John Reaves, W. S. Agnew and John D. Jordan who executed the affidavits in support of the motion, testified when the case was heard before the Commission the second time. This case is nearly identical with the case of Ora M. Bonds, nee Camp, the subject of Departmental decision of October 1, 1906 (I.T.D. 18732-1906), and the approved opinion of the Assistant Attorney General of September 24, 1906, in which the Department rejected the application for the enrollment of Ora M. Bonds and James . Camp, as citizens by blood of the Cherokee Nation.

It is, therefore, respectfully recommended that the motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

T. M. B

Commissioner

Encl.-B 10

Copy

LAND:

46654-1906
96642-1906.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 17, 1906 (I.T.D. 6346-1905), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Cordie Johnson et al., for enrollment as citizens by blood of the Cherokee Nation, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 30, 1906, enclosing a motion for rehearing and readjudication, filed in the office of the Commissioner June 21, 1906, together with the reply thereto filed by the attorney for the Cherokee Nation on July 5, 1906, and reply brief of the attorneys for the applicants, filed July 12, 1906.

The record shows that B. F. Bane, father of the principal applicants, together with his four children, Cordie, Fannie, Madge and Leonard Bane, was admitted to citizenship in the Cherokee Nation by the Cherokee National Council on December 11, 1893, with the provision "that this act shall not go into effect until said B. F. Bane and children shall have permanently located in the Cherokee Nation."

It appears from the original record in this case that the applicant was born in the State of Texas and has resided there

practically all her life, and was a resident at the time of her application in 1901. The applicant's father, B. F. Bane, with his family, moved to the Cherokee Nation in February, 1893, and resided there until the latter part of August of the same year, when he returned to Texas.

B. F. Bane and his family, among others, were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council approved December 11, 1893, on condition that the Act should not go into effect until the persons named should have permanently located in the Cherokee Nation. It therefore appears that the applicant, together with her brothers and sisters, left the Cherokee Nation before the Act was approved on December 11, 1893, and that none of them have ever been in the Cherokee Nation since the approval of the Act.

While the applicant claims to be a Cherokee by blood because her father was a Cherokee and her mother a white woman, it appears that she bases her right to enrollment on the admission of her family by the Act of the Cherokee Council of December 11, 1893, and the record fails to show that the condition attached to their admission was ever complied with; on the contrary, it is affirmatively shown that it was violated even before it was approved by the Principal Chief of the Cherokee Nation.

The Office is of the opinion that there is no merit in the

notice and respectfully recommends that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

[illegible]-EK

FMB YP

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 24500-1906. December 31, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of October 30, 1906, and Indian Office letter of December 6, 1906 (Land 96642), the motion for "rehearing and readjudication" in the Cherokee enrolment case of Cordie Johnson et al., received with your said letter, is hereby denied.

A copy of the Indian Office letter is inclosed. The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

DC No. 1155-1907

Cherokee
I 820.

Muskogee, Indian Territory, January 12, 1907.

Cordie Johnson,

Lamoville, Texas.

Dear Madam:

You are hereby advised that a motion for a rehearing in the Cherokee enrollment case of yourself, et al., was denied by the Secretary of the Interior, December 31, 1906.

Respectfully,

JMK

Commissioner.

Enrolled
R 529.

Muskogee, Indian Territory, January 12, 1907.

Irwin Donovan,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing and readjudication in the Cherokee enrollment case of Cordie Johnson, et al., was denied by the Secretary of the Interior, December 31, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-137
JMH

Commissioner.

Cherokee
R 330.

Muskogee, Indian Territory, January 12, 1907.

Rok E. Brock,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing and readjudication in the Cherokee enrollment case of Cordie Johnson, et al., was denied by the Secretary of the Interior, December 31, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-138.
JMH

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
H 539.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing and readjudication in the Cherokee enrollment case of Sordie Johnson, et al., was denied by the Secretary of the Interior, December 31, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-139
JMH

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 31, 1906, (I.T.D. 24300-1906), denying a motion for "hearing and readjustment" of the Cherokee enrolment case of Cordia Johnson et al., transmitted by this office with letter of October 30, 1906, which motion was filed by Irvin Donovan and Brock and Brock, attorneys for the applicants, there is enclosed a motion for review filed by said attorneys February 8, 1907.

There appears to be nothing contained in this motion which has not heretofore been considered in connection with the case, and it is respectfully recommended that same be denied.

The reply of the attorney for the Cherokee Nation to this motion filed February 12, 1907, is also enclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

RSS
23-2

(1007)

DEPARTMENT OF THE INTERIOR,

Land
600-1007,
15017-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

March 1,1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 21, 1906, I.T.D. 24000, there is enclosed a report from the Commissioner to the Five Civilized Tribes transmitting a motion for review of the Department's decision denying Cordia Johnson, et al, enrollment as citizens of the Cherokee Nation. The motion contains no merit and it is recommended that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAS-GH.

T.P.

DEPARTMENT OF THE INTERIOR, 122.

WASHINGTON.

P.G. 12708-1907.
I.T.D. 9068-1907.
DRB.

March 4, 1907.

MUSKOGEE,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for review of the Cherokee enrollment case of Cordia Johnson et al., received with your letter of February 25, 1907, and Indian Office letter of March 1, 1907 (Land 19617), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inc. and 9 to Ind. Of.

W. C. P. 3/4/07.

Muskogee, Indian Territory, April 1, 1907.

Cordie Johnson,

Lonerville, Texas.

Dear Madam:

You are hereby advised that the motion filed by your attorney, Thomas Owen, for a rehearing in the Cherokee enrollment case of yourself et al., was denied by the Secretary of the Interior March 4, 1907.

Respectfully,

MCP

Geo. D. Rodgers.
Acting Commissioner.

Cherokee
B 320.

Muskogee, Indian Territory, April 1, 1907.

Brock & Brock,

Attorneys for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Dear Sirs:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee enrollment case of Cordie Johnson, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-67
LMC

Muskogee, Indian Territory, April 1, 1907.

Thomas Owen,

Attorney for Cordie Johnson et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee enrollment case of Cordie Johnson, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

D. Rodgers

Acting Commissioner.

Incl.P-4-7
MMP

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee enrollment case of Cordie Johnson, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. L. Rogers

Acting Commissioner.

Incl.P-4-8
MMP

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

16 Cordie Johnson,

Madgie Bane,

Josie Bane,

Vinnie Bane,

Leonard Bane,

Jewelle Johnson,

Margie Johnson,

Myrtie Johnson,

Fannie Bane

Department of the Interior,
RECEIVED
JUL 30 1902
Doc. No. ..... of No. 4601
Choctaw Territory Division.

As citizen 8 *of the Cherokee Nation.*

Muskogee, I. T., July 16, 1904. *190*

Respectfully forwarded to the Secretary of the Interior for review.

Tams Bixby,

Acting Chairman.

Cher R 540

See Cher R 539

Cher R 540

R 5A0 a

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 18 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 13, 1901.

In the matter of the application of Fannie Bane for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Fannie Bane.
Q How old are you? A 18.
Q What is your postoffice? A Lanesville.
Q In Texas? A Yes sir.
Q You are living in the State of Texas? A Yes sir.
Q Who is it you want to enroll, just yourself? A Just myself.
Q Do you claim to be a Cherokee by blood? A Yes sir.
Q Have you ever lived in the Cherokee Nation? A Yes sir.
Q When did you live in the Cherokee Nation? A In '93.
Q When did you come to the Cherokee Nation in 1893? A In February.
Q How long did you stay there? A Seven months.
Q Until About August? A Yes sir, until the last of August.
Q You came from Texas in February with your father and mother?
A Yes sir.
Q And you returned to Texas in August? A Yes sir.
Q Had you lived in Texas always before? A Yes sir.
Q And you have lived there ever since?m A Yes sir.
Q Give me the name of your father. A B. F. Bane.
Q Is he dead or alive? A Dead.
Q Give me the name of your mother. A Mary.
Q Is she dead or alive? A She's alive.
Q Did your father ever live in the Cherokee Nation except during the seven months in 1893 that you speak of? A No sir.
Q Did your mother ever live in the Cherokee Nation except during that time? A No sir.
Q Your father was a Cherokee by blood, was he? A Yes sir.
Q And your mother was a white woman? A Yes sir.
Q You have a sister whose name was Cordie Bane? A Yes sir.
Q And her name now is Johnson? A Yes sir.

In the case of the applicant's sister, Cordie Johnson, just heard, there is filed an official copy of an act of the Cherokee Council approved December 11, 1893, admitting to citizenship the father of the applicant and certain of his children, including his child, Fannie Bane.

Q That is your name? A Yes sir.

The condition of that act was that it should not go into effect until the beneficiaries should have permanently located in the Cherokee Nation, and it was further provided that they should remove and locate within the Cherokee Nation within six months after the passage of the act. This is returned to the file to which it belongs.

Q Now, you say you have married? A Yes sir.
Q When did you marry? A This year.
Q 1901? A Yes sir.
Q To whom were you married? A Arch Bane.
Q Have you a certificate of your marriage? A No sir.
Q But that makes no change in your name? A No sir.
Q Did you draw strip money in 1894? A Yes sir.
Q You were admitted also upon the roll of 1896? A Yes sir.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 7, No. 195, as Fannie R. Bane, in Canadian district. On the pay roll of 1894, page 11, No. 254, as Fanny Bane, Canadian district.

Q You say that your father bought a farm in the Cherokee Nation when he came here in '93? A Yes sir.
Q Has the family owned that farm ever since? A Yes sir.
Q Where is that farm located? A In Canadian district.
Q What is being done on that farm? A Farming, cultivating it.
Q Is it rented out? A Yes sir.
Q Have you derived rents from it ever since your father located there? A Yes sir.
Q Why did your father not continue to live in the Cherokee Nation?
A On account of his health.
Q When did your father die? A In '94.
Q He died very soon then after his return to Texas? A Yes sir.
Q What time in '94 did he die? A December 3rd.
Q He was never back in the Cherokee Nation after he left in August, '93? A No sir.
Q And neither your mother, nor any of the children, have ever returned since that time? A No sir.
Q You have simply come up at this time to see if you could properly be enrolled? A Yes sir.

Commissioner Breckinridge-

The applicant is identified on the rolls of 1894 and 1896, and she applies as a Cherokee by blood. She is shown to have been admitted to citizenship by the Cherokee Commission in an act approved December 11, 1893, official copy of which act is referred to in the testimony, and is filed in the case of her sister, Cordie Johnson. It is provided in said act that it shall not be operative until the beneficiaries should have moved and permanently located in the Cherokee Nation, and further provided, that they shall so move within six months after the passage of the act. Now, it appears from the testimony that the only residence that has ever been had in the Cherokee Nation by the applicant or her parents was some seven months in 1893, prior to the passage of this act. The balance of their lives, both before and since that time, having been spent in the State of Texas. The applicant states that her father purchased a farm in the Cherokee Nation in 1893, which property is still owned by the family, and from which rentals are derived. It does not appear, however, whatever maybe the cause, that this can alter the effect of the fact that neither the father nor mother, or the applicant, or any other member of the family, have ever been in the Cherokee Nation since the passage of the act of admission, except the present visit of the applicant, which is simply for the purpose of seeing if she is entitled to enrollment. Under the provisions of the Curtis law, which were quoted in the case of her sister referred to. It seems entirely clear that the applicant is not entitled to enrollment, and the application for her enrollment is rejected. It appears from the testimony that the applicant has been married within the present year to one Arch Bane, and she is desired, for the purpose of completing the record of her case, to supply the Commission with an official copy of her marriage license and certificate.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 14th day of February, 1901.

Commissioner.

R-540 — 19.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 13 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb. 13 Th 1906

Name Lanville Texas

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(18)

Wife's name Fannie Bane

District Lean.

Citizen by blood Mother's citizenship Year 1896 Page 7 No. 195

Intermarried citizen B. F. Bane d

Married under what law Mary Bane a

Date of marriage

License Certificate

Parents No. 1

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

No. 1 on 1896 roll as Fannie R. Bane.
No. 1 to supply dom. with marriage license & certificate

TO THE HON. UNITED STATES COMMISSION TO THE FIVE CIVILIZED TRIBES, AT MUSKOGEE.

Gentlemen:-

The undersigned heirs of B. F. Bain, deceased, beg leave to respectfully show that they are the heirs and children of the said B. F. Bain, who was a Cherokee Indian by blood, and a recognized member of the tribe and a citizen of the Cherokee Nation. The said B. F. Bain came to the Cherokee Nation, from Texas, in July A. D. 1893 and made application before the Cherokee council to be admitted and recognized as a Cherokee citizen, and in December A. D. 1893. his application was allowed by the Cherokee council, and he was admitted to all the rights and priviledges of a Cherokee citizen on condition that he move to the Cherokee Nation, and establish a permanent residence in said Nation within six months from the time of his admittance. In February A. D. 1894 he returned to Texas after his family and brought them to the Cherokee Nation, and located in Canadian District, of the Cherokee Nation, where he bought a farm and settled with his family with the intention of making it the permanent residence of himself and family. He resided with his family on said farm until the ____ day of August A. D. 1894, when he returned to Texas on account of his health and on the advice of his physician, F. B. Fite. of Muskogee Indian Territory, where he remained until his death. He retained ownership of the farm in Canadian District. and received rents from the same from year to year up to his death, and since his death his family has exercised ownership over said farm, and have collected the rents and now have the same in their possession. The said B. F. Bain at all times after his admittance claimed the Cherokee Nation as his home and place of residence, and intended to return to said Cherokee Nation as soon as his health would permit, and his heirs, the Petitioners herein, at all times claimed the Cherokee Nation as their home and place of residence and expected to

return to the same as soon as convenient to do so. After the return of said R. F. Rain with his family to the Cherokee Nation in February 1894 they were recognized as citizens of the Cherokee Nation and participated in the payment, known as the " Cherokee Strip payment" and the said R. F. Rain, and, your Petitioners herein, drew their pro rata share of the fund known as the " Cherokee Strip Fund". And your Petitioners herein attended the Cherokee schools and enjoyed all the rights and benefits of Cherokee Citizenship. These facts your Petitioners can prove by the following named witnesses whose affidavits are hereto attached and made part of this Petition.

To wit:- Dimer Reaves, Mattie Reaves, Walter S. Agnew, Walter L. Agnew, Gray Haltom, Dr. F. R. Fite and Alex Jordan.

Heretofore to wit: On the ____ day of _____ A. D. _____ the first two named Petitioners herein, Cordia Johnson and Fannie Rain, made application to your Honorable Commission for enrollment as Cherokees, and in giving in their testimony on that application, they stated that their father moved to the Cherokee Nation in February, A. D. 1895, and returned to Texas in August 1895. Since talking with their relatives and older persons, who had a better opportunity of knowing and remembering than themselves, they learned that they were mistaken and that their father did not move to the Cherokee Nation, with his family, until February, A. D. 1894.

WHEREFORE, the premises considered your Petitioners most respectfully pray that you grant them a re-hearing of their application, and that they be given an opportunity to prove the above said facts, by bringing their witnesses before you or by Depositions, and that by making such proof they be enrolled and recognized as Cherokee citizens.

They respectfully state that the four last named Petitioners are minors and that each Petitioner, whose name appears attached

hereto is of the age set opposite his name.

Respectfully Submitted.

Cordie Johnson
Fannie Bain
Mary Bain age 16 yrs
Lenord Bain " 14 "
Josia Bain " 12 "
Vinia Bain " 10 "

By, Thos Owen
Attorney for Petitioners.

Cordia Johnson and Fannie Bain, being duly sworn say: They are two of the Petitioners mentioned in the above and foregoing petition, that they have heard said petition read, and that the facts setforth in the same are true as they verily believe, and that the other within named Petitioners are their sisters and brother.

Cordie Johnson
Fannie Bain

Subscribed and sworn to before me this the 18th day of February, A. D. 1901.

Thos N Owen
Notary Public

Mattie Reaves, being duly sworn says: She is 48 years of age, and her Post Office is Muskogee, Ind. Ter. She was personally acquainted with R. F. Bain during his life time and know his children and heirs. R. F. Bain moved to the Cherokee Nation, with his family in February 1894. At that time myself and husband were living in Canadian District and the said R. F. Bain stopped at our house with his family and remained there with us until he could get a place to move, and then located in about one-half mile from where we lived. He was a half-brother to my husband John A. Reaves. The said R. F. Bain lived near us in said Canadian District, during the spring and summer of 1894 and until he returned to Texas. During the time they lived there they were recognized as Cherokee citizens, and his children attended the Cherokee schools.

Mattie Reaves

Subscribed and sworn to before me this the 16th. day of February, A. D. 1901.

[illegible]

Walter S. Agnew, being duly sworn says: That he is a Cherokee Indian by blood and that he is 58 years of age, and his Post Office is Muskogee. Indian Territory. He was Judge of the District court of Canadian District, under the Cherokee form of Government, two years. He was personally acquainted with the said B. F. Bain and his family. The said B. F. Bain came to the Indian Territory, and to the Cherokee Nation, during the summer of 1893 and made application to the Cherokee Council for admittance as a Cherokee citizen, and was admitted by the Council in December 1893. He returned to Texas, got his family and moved with them to the Cherokee Nation in February A. D. 1894, and brought all of his house-hold effects, and bought a farm in Canadian District, about 8 miles from where I lived at that time. I visited at his place frequently and was personally and well acquainted with him and from his conversation at all times I know that he settled in good faith and intended to make that the permanent home of himself and family. During the latter part of the summer of 1894, his health grew so bad that he moved to Texas. And from the conversations I had with him and his family, it was their intention to return to their home in said District as soon as his health and circumstances would permit. He retained ownership of his farm, and his children are now the owners of and exercising control of the same. After he settled on said farm and before his return to Texas, he and his children were recognized as Cherokee citizens and his children attended the Public schools of the Cherokee Nation, in the said Canadian District. At that time no children were allowed to attend these schools except the regular recognized Cherokees.

Walter S. Agnew

Subscribed and sworn to before me this the 16 day of February, A. D. 1901.

L. A. Sears
Notary Public

Alex Jordan, being duly sworn says: He is a citizen by blood of the Cherokee Nation, and is 64 years of age, his Post Office address is Muskogee, Indian Territory. He was personally acquainted with R. F. Bain, and was acquainted with his children. The said Bain lived in Canadian District of the Cherokee Nation, during the spring and summer of 1894, and were recognized as citizens of the Cherokee Nation, and as such participated in the payment of the Cherokee Strip Fund. He owned a farm in the Canadian District, and when he returned to Texas, he left the farm in charge of my Nephew, John Jordan, who controled the farm and collected the rents for him.

Alex Jordan

Subscribed and sworn to before me this the 18th day of February, A. D. 1901.

Geo. H. Williams
Notary Public

Dimer W. Reaves, being duly sworn says: He is a Cherokee Indian by blood and is 54 years of age, his Post Office is Muskogee, Indian Territory. He was personally acquainted with B. F. Bain, deceased, who was his half-brother. The said B. F. Bain came to the Cherokee Nation in July 1893, and made application to the Cherokee council for admittance as a Cherokee citizen. In February 1894 he moved with his family to the Cherokee Nation from Texas, and bought them a home in the Canadian District, where they resided until the latter part of ~~the~~ August 1894, when they returned to Texas. He bought a farm in Canadian District with the intention of making it his home for himself and family and in good faith moved to the same. He was in very poor health and gradually grew worse, and, in his conversation to me stated that he was returning to Texas with the hope and for the purpose of benefiting his health, and that he intended to return to the Cherokee Nation as soon as his health would permit. He carried his children with him to Texas, where they have since remained. He retained ownership of his farm and received rents from the same from year to year, and his children now own and control the said farm. During the spring and summer of '94 while they resided in the Canadian District, they were recognized as Cherokee citizens, and his children were admitted and attended the Cherokee schools, which were open only to regular recognized Cherokee citizens.

Attest
Thos. Owen

his
Dimer W X Reaves
mark

Subscribed and sworn to before me this the 18th. day of February, A. D. 1901.

L. A. Dears
Notary Public

Walter L. Agnew, being duly sworn says: That he is 17 years of age, and a Cherokee Indian by blood. He is a son of Walter S. Agnew & and resides with his father, whose Post Office is Muskogee, Indian Territory. During the spring and summer of 1894, he attended the Cherokee Public school of Canadian District, and the children of Mr. B. F. Bain also attended said school and were recognized as being Cherokee children.

Walter L Agnew

Subscribed and sworn to before me this the 16th. day of February A. D. 1901.

L. A. Pearce
Notary Public

Dr. F. R. Fite, being duly sworn says:- He is a practicing physician and resides at Muskogee, Indian Territory. He was personally acquainted with R. F. Rain during his life time, who was a half-brother of John A. and Dimer Reaves. He treated the said R. F. Rain in August and September of 1893, and prescribed for himself and family during the year of 1894. The said Rain was afflicted with consumption, and he advised him to go to a climate that would be more agreeable than this. During the time he was treating him he lived in Canadian District, of the Cherokee Nation, and was recognized as a citizen of the Cherokee Nation.

F. R. Fite

Subscribed and sworn to before me this the 18th day of February, A. D. 1901.

Geo. H. Wilson
Notary Public.

Gray Walker, being duly sworn says: He was acquainted with R. F. Main during his life time, and that he resided in Cherokee District during the year 1884, and that during the spring and summer of said year R. F. Main resided in said Cherokee District and was one of his neighbors, and lived about one mile from his place of residence. During that time the said Main and his family were recognized as being Cherokee citizens.

J. G. Walker

Subscribed and sworn to before me this the 19th. day of February, A. D. 1901.

W. N. Brown
Notary Public.

[illegible]

[illegible]

[illegible]

File with C. R-640, Fannie Bain.

2

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19,1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Cordie Johnson et al for enrollment as Cherokee citizen.

Appearances:
Thomas Owen, Muskogee, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

JOHN BOWES, being first duly sworn and being examined testified as follows:
BY MR. OWEN:
Q What is your name? A John Bowes.
Q What is your age? A 89.
Q What is your post-office address?A Muskogee.
Q Were you acquainted with D. F. Bain in his life time? A Yes sir.
Q Is he now living or dead? A He is dead.
Q Do you know the names of his children? A Well, sir, I knew them if I was to hear them, that's about all.
Q Is Cordie Johnson one? A Yes sir, I know her; I know all the eldest ones, but the youngest ones I don't really know.
Q Do you know when D. F. Bain came to the Cherokee Nation, what year it was? A No sir, I couldn't tell you when, I have forgotten; I could by looking over some papers at the house, but I never thought about it.
Q You know whether he was admitted to citizenship in the Cherokee Nation while he was here? A Yes sir, I know he was admitted.
Q Did you know at the time thathe was? A Yes sir.
Q Do you know whether he lived in the Cherokee Nation any time after that?A Yes sir.
Q How long did he live here after that? A Well between 6 and 12 months, I couldn't roll exact time.
Q Do you know whether he moved to the Cherokee Nation and settled within six months after he was admitted? A Yes sir.
Q You remember the date of his admission? A No sir, I don't.
Q You remember whether he was living here during the 1894 or not? A That was the Strip Payment wasn't it?
Q Yes? A Yes sir, he was living here.
Q Where did he go to from here? A He went to Texas.
Q Where was he living when he died? A Living in Texas.
Q Has his children any improvements in the Cherokee Nation at this time? A Yes sir.
Q What are they? A There is about fifty acres of broke land.
Q Is it afarm? A Yes sir.
Q How long have they owned that farm? A Well sir, they owned it ever since directly after the Strip payment; month et two.
Q Where did they get it? A They bought it.
Q Who bought it? A D. F. Bain, bought it.
Q Bought it while he was living in the Cherokee Nation? A Yes sir.
Q Before or after he was admitted to Cherokee citizenship? A afterwards.
Q Did he live in that farm with his family as a home after he bought it? A No sir,he had a place; had it at the time he bought that place.
Q Did he ever live on this farm? A No sir.
Q Did his family live on it? A No sir.
Q Were they making their home in the Cherokee Nation at the time he bought this farm? A Yes sir.
Q What didhe do? A He was a farmer, hethem; he hadn't farmed any for several years; he was not able.

Q What part of the Cherokee Nation did he live in? A Canadian District.
Q About twelve miles below here.
Q Did you live in that community? A Yes sir.
Q were you there at the time he was living there? A Yes sir'
Q You were personally acquainted with him were you? A Oh yes, he is a half brother of mine.
BY MR. HASTINGS: Who, B. F. Bain? A Yes sir.
BY MR. OWEN:
Q You know whether his children are named Cordie, Madge, Leonard, Josie, Bonnie, Jewell, Maggie and Martin? A Yes sir, I think that's their names; I couldn't say about the younger ones for certain, but then I knew the children and saw them all.
Q I notice the last three children are named Johnson, How does that come? A I suppose that is his daughter, Cordie; she is married
Q She married a Johnson? A Yes sir.
BY MR. HASTINGS:
Q Mr. Reeves, Cordie Johnson is the eldest one of these children? A Yes sir.
Q She would know more about their living up here and recollect more about it than you would? A I don't think she did from the mistake she made.
Q Do you know when they came here? A When they moved here?
Q Yes sir. A I couldn't tell you the day theycame here.
Q She has testified to the date, are you prepared to say that is not correct?A No sir, I am not.
Q Are you prepared to say the date she said they left here is incorrect? A Yes sir, I think I do, because I can remember it.
Q When did they leave here? A Well I couldn't tell you without I was to go and look at some papers I have got.
Q Why did you state she has made an incorrect statement when you don't know yourself? A I do know she made a mistake, I can prove it.
Q How, do you know it yourself, or your own personal knowledge? A I know; that would be sort of a hard question for me to answer.
Q Well then you don't know of your own personal knowledge when they left do you? A I don't know it right at the present, no, I would have to go and see.
Q I want to call your attention to the fact that there is a note on the 1894 roll when that Strip money was paid, that they were then living in Texas, with their mother, and this witness testified that they were there a year prior to that time, before the payment? A They were living here at the time that money was paid out.
Q I have just called your attention to the fact that there is a note on the Strip pay roll that they were at that time living in Texas? A Well you will see further on; you will get the witness that they were here. I am so forgetful about those things, but you will see that they were living here.
BY MR.OWEN:
Q You know whether they participated in the Cherokee Strip payment; whether they drew the money? A Yes sir, they did.

ALEX JORDON, being first duly sworn and being examined testified as follows:
BY OWEN:
Q What is your name? A Alex Jordon.
Q How old are you? A Well sir, I was 65 years old the 16th day of last December.
Q What is your post office address? A Muskogee.
Q Were you acquainted with B. F. Bain? A Yes sir.
Q Did he ever live in the Cherokee Nation? A Yes sir.
Q Where? A Lived down in Canadian District.
Q Was he ever admitted to Cherokee citizenship? A Why it is my understanding he was, I don't know it for a fact.

Q Did you hear of it at the time?A Yes sir.
Q You know whether he lived here after that time or not, after he was admitted? A Yes, he lived down there after he was re-admitted.
Q You know where he was living during the Cherokee Strip payment in 1894? A Living down here in Canadian District on what they call Spaniard Creek.
Q You know when he moved to Texas? A When he moved back to Texas?
Q Yes. A No sir, I don't, he must have went back about; why I don't know just when it was, because I told you I never keep no dates.
Q You remember what year it was? A No I don't; I don't know what year that Strip money was paid out.
Q It was paidout in 1894? A Well then he must have went back in 1895 or '6, I don't know just when he went back.
Q Did you live in the same community where he lived? A Yes sir.
Q Did he own any property here when you went to Texas?A Yes sir, got a place down here in Canadian District now.
Q ~~[illegible]~~ Farm? A Yes sir.
Q Who had charge of that farm? A John Jordon had charge of it all the time until he moved up above here, I don't know who has got charge of it now.
Q He was the agent of Bain? A Yes sir.
Q Do you remember what year he was re-admitted to citizenship?
A No sir, don't know; in 1884 I reckon, '94 I mean.
Q You know he was living here during the Cherokee Strip payment?
A Yes sir, ~~I~~ he was here then.
Q You know whether he participated in that Strip payment? A Yes sir; they drew money, that is John Jordon drew it for him, so I have been told; I didn't see him draw it.

BY MR. ~~[illegible]~~ HASTINGS:

Q You know what year this family came here? A Why they must have come here in 1893 I reckon, I don't know just when, because I told you I don't keep no dates.
Q Where did they live? A Down in Canadian District.
Q How far from you? A Why I guess about a mile and a half or two miles.
Q How long did they stay there? A Why they stayed there, I don't know just how long, but they stayed there until that Strip money was paid out.
Q Did they draw it themselves? A No sir, I think John Jordon drawed it for them. Mr. Bain was mighty bad off and low with consumption, and John Jordon drew the money for him.
Q Do you know that eldest child, Cordie Johnson? A No sir, I wouldn't know them children if I was to see them.
Q They lived ina mile and a half of you? A Yes sir, that has been 8or 9 years ago, and they were small then.
Q Did you know them then? A Yes sir.
Q This girl was married in 1896, she is 21 years old? A I don't know that I would know her if I would see her to-day; I never was about these children much.
Q I will ask you if you don't think she would be more correct about the time she came and left than you would? A I don't know, it might be possible.
Q You don't pretend to be absolutely correct as to the time they came and went? A No, I know they was all here when that Strip money was paid out and they got their money, and I don't know how long they stayed after they get it and I don't know how long they was here before they get it.

JOHN D. JORDON, being first duly sworn and being examined testified as follows:

BY MR. OWEN:

Q Whatis your name? A John D. Jordon.
Q Whatis your age? A 48 years old.

Q What is your post office? A Remonia.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know D. F. Bain? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A He was.
Q You know when he was re-admitted? A Well he was re-admitted in 1892, or '3, one, I have forgotten which, I couldn't say.
Q Where did he live at that time? A Lived in Canadian District, Cherokee Nation.
Q Do you know whether he lived there after he was re-admitted? A He did.
Q For how long? A Well I don't know exactly how long, I think probably he left here in 1895 or 1896; as he had consumption he had to go south, that was the advice by the doctors here, he died south, he went to South-eastern Texas.
Q Did he have any children when he lived here? A Yes sir.
Q You remember their names? A No not now, not all of them, I know some of their names.
Q Were they with him when he was living here in the Cherokee Nation? A Yes sir.
Q Do you know whether they participated in the Cherokee Strip payment? A They did.
Q Did they draw the money themselves? A No sir, I drawed it for them. Frank was not able to go and draw his money and I drew it for them.
Q Where did they live at that time, A On Spaniard Creek, in Canadian District.
Q Did he own any property in the Cherokee Nation at the time he lived here? A Yes sir, and owns it yet, owns a farm down here and meadow land, fenced, and the house is burned up.
Q Who had charge of that farm? A I suppose Charley Reaves has charge of it now; I had charge of it for a long time until I moved off from here; I have a power of attorney at home now.
Q Is Bain living ordead? A No he is dead.

BY MR. HASTINGS:

Q About what date now did you think they left here? A Well William I couldn't say for certain; it must have been, I wouldn't say for certain, it might have been 1895, probably 1896.
Q Perhaps earlier? A It might have been the fall of 1894, I don't know.
Q These children though never have come back here? A Yes, they have been here, all of them back here.
Q Did you ever see them? A Part of them, I saw Cordie last summer here.
Q When she was here to enroll? A No, I didn't see her while she was here to enroll; she had been here about a year down until this last fall sometime she went back.
Q She married in Texas? A I understand so.
Q Husbandlives in Texas? A I understand so.
Q These children are living in Texas?A Yes sir.
Q Living there now? A Yes sir.
Q Howmuch place have they in there? A About three hundred acres fenced.
Q Broke out? A They have alot of it, I bought the place and give five hundred dollars for it.
Q Of their Strip money? A I don't know whether it was their Strip money or not.
Q What where did you get the money? A Frank Bain furnished the money.
Q Was that after the Strip payment? A I couldn't say whether it was after or before.
Q Before or after he left here? A Oh it was before he left here.

W.S.AGNEW, being first duly sworn and being examined testified asfollows:

BY MR. OWEN:

Q What is your name? A W.S.Agnew.

Q What is your age? A 59.
Q What is your post-office address? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you acquainted with B. F. Bain? A Yes sir, I was when he was here.
Q Do you know when he was admitted to Cherokee citizenship, re-admitted, did you know of the occurrence at the time? A Yes, I heard of him being re-admitted.
Q Were you a member of the Council at that time? A No sir.
Q When was it? A It was sometime after 1890, somewhere in the '90s, I think.
Q You know whether he ever lived here after he was admitted? A Yes sir.
Q Where did he live? A Down here in Canadian District.
Q Did he own any property there? A Yes sir, he bought a farm there.
Q Did his children live with him at that time? A Yes sir.
Q Were they recognized as Cherokees, his children? A Yes sir.
Q You know whether they attended the Cherokee schools or not? A I don't remember whether he had any chool there at that place; I don't think he did.
Q You know where they were during the Cherokee Strip payment, A Yes sir, they were here then.
Q Did they participate in that payment? A Yes sir.
Q Did you live in that neighborhood? A Yes sir.
Q How close to them? A I lived about a mile a half a mile from them, maybe not so far.

BY MR. HASTINGS:

Q These children are now all in the State of Texas? A I think they are.
Q And they have been ever since they went back with their father? A I think so, only two of them come up here sometime last year.
Q On a visit? A Yes sir.
Q Their father died down there? A Yes sir.
Q Their mother is living in the state of Texas? A I heard that she is living.
Q That is your information? A Yes sir.
Q This oldest girl is married down there, has a husband? A Yes sir, that's what I understand.

BY COMMISSION: It is directed that copiesof this testimony be filed with and made a part of the record in the case of Fannie Bain, Cherokee No. R-840.

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I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Cordie Johnson, et al., for enrollment as Cherokee citizens, consolidating the applications of:

Cordie Johnson, et al.,	Cherokee D 600
Fannie Bane,	Cherokee D 640

DECISION.

---oOo---

The record in these cases shows that on February 12, 1902, Cordie Johnson and Fannie Bane appeared before the Commission at Muskogee, Indian Territory, and then and there made personal application for their enrollment as citizens by blood of the Cherokee Nation. Cordie Johnson also made application for the enrollment of her sisters, Madgie, Josie and Vinnie Bane, and her brother, Leonard Bane, and also for her minor children, Juanita, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation. On March 15, 1902, the applicants, by their attorney, appeared before the Commission at its office in Muskogee, Indian Territory, and further proceedings were then and there had relative to these applications.

The evidence shows that one R. F. Bane, the father of the principal applicants, together with four of the above named applicants, his children, namely: Cordie, Fannie, Madge and Leonard were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 11, 1888. The provisions of the act of admission required that the persons named therein should locate in the Cherokee Nation within six months from the date of its passage. It appears that R. F. Bane came to the Cherokee Nation with his family in the spring of 1889 and was residing in the Chero-

Copy

this Nation during the time of the Strip payment in 1894. Shortly thereafter, L. F. Dane returned to Texas, with his family, where he died. None of the applicants have returned to the Chickasaw Nation to live and are still residing in the State of Texas. Since her marriage to the Chickasaw Indian, Cordie Johnson has married one Ralph Gibson, a white man, and her three children above named are the heirs of that marriage. Cordie Johnson, Dannie, Midgie, Josie, Vinnie and Leonard Dane are identified on the Chickasaw Census roll of 1896 and the Strip payment roll of 1894.

The authority of the Commission herein is defined in Paragraph 9, Sec. 21, of the Act of Congress, June 28, 1898, (30 Stats., 496), which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of the Commission that Cordie Johnson, Midgie Dane, Josie Dane, Vinnie Dane, Leonard Dane, Jewelle Johnson, Margie Johnson, Myrtle Johnson and Dannie Dane are not lawfully entitled to be enrolled as members by blood of the Chickasaw Tribe of Indians in Indian Territory and that their application for enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Acting Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this Feb. 16, 1906.

[illegible] for the Intermediate,
[illegible] to the Five Civilized Tribes.

In the matter of the motion for review of the application for the enrollment of Tennie Lynch, Cherokee freedman, et al., as children by blood of the Cherokee nation,

[illegible]

Reply of the Cherokee Nation.

The records in this case show that application was made for the enrollment of the applicants herein and that their applications were denied, and that on June 27, 1906, the decision of the commission to the Five Civilized Tribes of date May 17, 1906, was affirmed by the Secretary of the Interior.

The records further show that on June 28, 1906, a motion for a rehearing was filed and that answer was filed on behalf of the Cherokee Nation on July 4, 1906. In the motion for rehearing and in the answer filed by the Cherokee Nation all of the questions raised in this motion were then raised and submitted to the Department for consideration, and the Department on December 31, 1906, denied the motion to reopen (I.T.D. 24207-1906). The letter of the Commissioner of Indian Affairs of date December 4, 1906 (Land 46484-1906, 96668-1906), carefully reviews the facts in the case, to which reference is respectfully made. Inasmuch as no new argument is advanced in this motion, we submit the case to the Department by referring it to its former action in this case.

Respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the applications of Cordie Johnson, et al., C. R. 888, Minnie Jane, C. R. 889, for enrollment as citizens of the Cherokee Nation by blood.

Reply of the Cherokee Nation.

The record in this case shows that application was made on behalf of applicants herein before the Commission to the Five Civilized Tribes on February 13, 1901. The record further shows that they were placed upon a rejected card at the time by the Commissioner hearing the case and an extended judgment, a synopsis of the testimony, was entered up at the close of the hearing. The Commission, however, formerly rejected them on July 14, 1902, and on April 4, 1904, the Secretary of the Interior of the Interior Remanded it for a rehearing; the record further shows that it was resubmitted on May 17, 1905, without any additional testimony having been taken and the applicants again rejected, and that this rejection was approved by the Secretary of the Interior on June 17, 1905.

The record conclusively shows that these applicants are not entitled to be enrolled as citizens by blood of the Cherokee Nation for a number of reasons:

First. The testimony of Cordie Johnson on February 13, 1901, being then 21 years of age, testified that her postoffice was Lameville, Texas, where her other brethers and sisters then resided; that with her parents they came to the Cherokee Nation from Texas in February, 1893, and that they returned to the State of Texas in August of 1893, and the record further shows that thi s family of those born at that time were conditionally readmitted to citizenship by the Cherokee Council on December 11, 1893, the condition being that they remove to and locate permanently in the Cherokee Nation within six months thereafter. Now the testimony is clear and convincing that up to the time this application was made and so far as the evidence in this case speaks up to the present time these applicants are citizens and residents of the State of Texas and had never returned here and therefore did not comply with the condition attached to

their readmission and therefore never became citizens of the Cherokee Nation. It is not a question of forfeiture of citizenship, but it is a question of their acquiring citizenship to forfeit. They never complied with the conditions of the act. They never became citizens of the Cherokee Nation and therefore were never entitled to be enrolled as citizens of the Cherokee Nation.

Second. They are not entitled to be enrolled under the act of December 4, 1894, which provides that all persons admitted prior to that time should return to the Cherokee Nation within six months from that date.

Third. They are not entitled to be enrolled under Section 21 of the Curtis Bill, which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is conceded by all that none of them were residents here on June 28, 1898, and the Assistant Attorney General for the Department of the Interior on December 28, 1905 (I.T.D 13218-1905) in an opinion rendered as to whether or not the act of June 28, 1898, made an exception of minors said:

"As to the second request I am unable to see that any distinction is to be made between adults and minors who failed to locate permanently in the nation. While minors are excepted from operation of the act of Cherokee Nationional Council of December 4, 1904, no such exception in their favor has been made by any act of congress. The act of June 28, 1898, among other things, provided that 'no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.' This provision is in the nature of both a limitation and a condition precedent to the right claimed and is similar in purpose and effect to the limitation considered by this office in the opinion of June 8, 1901, in the cases of Nancy . Smith and Lottie B. Adams. As nothing ~~in~~ existed in the legislation of Congress exempting minors or insane persons from its operation the limitation was held to operate upon them. The provision now under consideration is entirely analogous. It was held operative against adults by my opinion of December 20, 1903, in the case of Allie Williams and on March 12, 1904, in the case of Mary L. Strickland, and as to minors that is the necessary implication and effect of my opinion of June 15, 1905, in the case of Alice Owen.....I am therefore of opinion that the rule established in the decision in the case of Mary L. Strickland and Allie Williams as to adults and by necessary inference held applicable to children by the opinion of Alice L. Owen is a proper one and should be followed."

It is not contended on behalf of applicants that they were residing here on June 28, 1898, or that they had ever resided in the Cherokee Nation subsequent to 1893.

Fourth. The motion filed herein, supported by the affidavits of John Reeves, John T. Jordon and W. S. Agnew, should not be allowed for the

reason that by an investigation of the record we find that on May 18, 1902, the same John Reeves, Alex Jordan, John D. Jordan and W. S. Agnew appeared before the Commission and were examined at length by an attorney representing the applicants and were cross-examined by the representative of the Cherokee Nation, a fact not alluded to in the motion to reopen filed on behalf of applicants. Subsequent to the taking of this testimony of these four witnesses whose affidavits are attached to the motion for a rehearing now these applicants have been twice denied by the Commission to the Five Civilized Tribes and finally the denial affirmed by the Secretary of the Interior on June 17, 1905.

We submit that there is nothing new submitted on behalf of the applicants in their motion for a rehearing and readjudication; that all of the testimony that could have been introduced has been introduced on behalf of the applicants and under the law there are none of them entitled to be enrolled and for these reasons their motion for a rehearing and readjudication should be denied.

Respectfully submitted,

7-6-06,

W. W. Hastings
Attorney for the Cherokee Nation.

-------IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF WANNIE BAIN, CORDIE JOHNSON ET AL AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.--------

------MOTION FOR REVIEW.---------

Come now the applicants in the above entitled cause by Irwin Donovan & Brook & Brook, their attorneys, and move the Honorable Secretary of the Interior for a Review of the Decision of the Department of December 31, 1906, denying a Motion to readjudicate the right to enrollment of said applicants, for the following reasons:

(1) That said decision was against the Law.
(2) That said decision was against the evidence.
(3) Because without Notice to the applicants and without taking additional testimony, the Department reversed its former finding of facts and, basing its decision upon a new and erroneous finding of facts,, it failed to consider the propositions of law submitted in the Briefs of Attorneys and applicable to this case.

DONOVAN & BROOK
ATTORNEYS AT LAW
MUSKOGEE, I. T.

ATTORNEYS FOR APPLICANTS.

----IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF RAMILE BAIN, COMMON ADMITTED TO ALL AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.----

ARGUMENT----

The third reason for Review given in the Motion to which this is attached embraces the two others.

In the year 1901, after the first hearing in the case, the Commission found substantially the facts found by the Department in the Decision now complained of. This finding was approved by the Department. Subsequently, however, a Rehearing was granted, and, after further investigation the Commission on July 15, 1902, found

"It appears that B.F. Bain came to the Cherokee Nation in the Spring of 1893, and was residing in the Cherokee Nation during the time of the Strip payment in 1894. Shortly thereafter B. F. Bain returned to Texas with his family, where he died."

This finding of facts was concurred in by the Department in the following words (I.T.D. 1901, 1902):

"The evidence shows that B.F. Bain, father of the principal applicant herein, was admitted with certain of these applicants, to Cherokee Citizenship on December 11, 1893. That soon after the time of the Strip payment in 1894, B. F. Bain and his family returned to the State of Texas where he died."

The only evidence submitted since that time has been in the form of affidavits submitted by the applicants and all corroborating these findings of facts. Among these affidavits is one by DR. W. M. Fite , a most eminent physician, and one of the wealthiest, most prominent, and most highly respected citizens of the new state. This affidavit of Dr. Fite shows conclusively that the father of the applicants did not leave Indian Territory until the fall of 1894. We have no doubt that were the personal attention of the Honorable Secretary of the Interior, to whom Dr. Fite is known, drawn to this case, the affidavit of Dr. Fite based upon his Book Record, would be sufficient to settle any doubt that might exist as to the facts.

We, therefore, contend that in view of the fact that not one iota of evidence has ever been submitted tending to refute the findings of facts above quoted from, it is manifestly unjust and unreasonable to evade the questions of the law presented in the Motion for Readjudication by disturbing without notice and without additional investigation findings of facts that are based upon an overwhelming preponderance of the evidence, corroborated by the uncontroverted affidavits of reputable Cherokee Citizens, and by the affidavits of one of the most respected physicians in the Territory, and that are further corroborated by the presumptions to be drawn from the fact that the names of the applicants have been continuously carried by the Cherokees themselves upon their Tribal Rolls.

We, therefore, urge upon the Department that it should consider the questions of law cited and argued in our briefs on the Motion for Readjudication in the light of the real facts in the case as found by the Department in its former decision.

RESPECTFULLY SUBMITTED,

ATTORNEYS FOR APPLICANTS.

Service of the within Motion for Review and Argument acknowledged this 9th day of February, 1907.

ATTORNEY FOR THE CHEROKEE NATION.

DONOVAN & GREER, ATTORNEYS AT LAW MUSKOGEE, I. T.

FILED

[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible]

Muskogee, Indian Territory, [illegible] 1902

[illegible]

[illegible]

Sir:

You are hereby notified that the application of [illegible], your children, et al.,

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

[illegible] day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to [illegible]
[illegible], I.T.
Enr. [illegible]
[illegible]

Yours truly,

Acting Chairman.

Cher. R 229

Muskogee, Indian Territory, July 14, 1906.

Cordie Johnson,

Lenoville, Tenn.

Madam

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting, among others, your application for the enrollment of yourself, your three sisters, Madgie, Josie and Vinnie Rose, your brother, Leonard Rose, and your three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation. The decision, with a copy of the proceedings had in the case, had this day been forwarded to your attorney of record, Thomas Owen, Muskogee, Indian Territory.

The decision, together with a copy of the proceedings, has also this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Register.

Enc. C. No. 116.

COPY

Cher. R 629.

Muskogee, Indian Territory, July 14, 1900.

Thomas Owen, Esq.,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the record of proceedings had in the matter of the application of Cordie Johnson for the enrollment of herself, her three sisters, Emdgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation. Also, a copy of the record of proceedings had in the matter of the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision rejecting the application for the enrollment of said persons.

The decision, with a copy of the proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

Register.

Enc. S. No. 117.

COPY

Cher. R 536.

Muskogee, Indian Territory, July 14, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Cordie Johnson for the enrollment of herself, her three sisters, Madgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation, and also rejecting the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

Enc. C. No. 118.

COPY

Cher. R 939.

Muskogee, Indian Territory, July 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Gordie Johnson for the enrollment of herself, her three sisters, Madgie, Josie and Vinnie Bane, her brother, Leonard Bane, and her three children, Jewelle, Margie and Myrtle Johnson, as citizens by blood of the Cherokee Nation, and also the record of proceedings had in the matter of the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 18, 1902, rejecting the application for the enrollment of said persons.

Respectfully,

Tams Bixby

Acting Chairman.

Through the Commissioner of Indian Affairs.

1 Inclosure

C. No. 119.

COPY

Chef. R 540.

Muskogee, Indian Territory, July 14, 1908.

Fannie Rano,

Lanoville, Texas.

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. The decision, with a copy of the proceedings had in the case, has this day been forwarded to your attorney of record, Thomas Owen, Muskogee, Indian Territory.

The decision, with a copy of the proceedings had in the case, has also this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

Register.

Enc. C. No. 120.

Refer in reply to
the following:
Land.
42718--1902.

(COPY)

Department of the Interior,
Office of Indian Affairs,
Washington, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission, dated July 16, 1902, transmitting the record relative to the application of Cordie Johnson nee Bane, for the enrollment of herself, her 3 sisters, Madgie, Josie and Vinnie Bane, her brother Leonard Bane, and her 3 children Jewelle, Margie and Myrtie Johnson, as citizens by blood of the Cherokee Nation. Also the record relative to the application of Fannie Bane for the enrollment of herself as a Cherokee by blood. July 16, 1902 the Commission held that the applicants were not entitled to enrollment as citizens by blood of said nation.

The record in this case shows that in 1893 B. F. Bane and some of the applicants lived in the Cherokee Nation; that they removed from the Cherokee Nation to Texas during the month of August, 1893; that on December 11, 1893 said B. F. Bane father of the principal applicant, the principal applicant, her sisters, Madge or Madggie, and Vinnie, and her brother Leonard were admitted to citizenship in the Cherokee Nation. The record does not show that Josie Bane was admitted to citizenship in said nation at that or any other time. From the record it does not appear that these applicants or the

father of the principal applicant lived in the Cherokee Nation at the time some of them were admitted to citizenship or at any time subsequent to the said admission.

That being true the decision of the Commission is correct and should be affirmed.

Very respectfully,

Your obedient servant,

Acting Commissioner.

G. A. W. (E.)

D. C. No. 13539-1902.

L. R. S.

49036

ITD. 4601-1902.

RAF.

DEPARTMENT OF THE INTERIOR.

Washington, August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of July 16, 1902, you transmitted the consolidated case of Cordie Johnson et al. and Fannie Bane, involving the applications for enrollment of Cordie Johnson and her sisters, Madgie, Josie and Vinnie Bane, and her brother Leonard Bane, and her minor children, Jewelle, Margie and Myrtie Johnson, and of Fannie Bane, as citizens of the Cherokee Nation by blood.

The evidence shows that B. F. Bane, father of the principal applicants herein, was admitted, with certain of these applicants, to Cherokee citizenship on December 11, 1893; that soon after the time of "the Strip payment in 1894" B. F. Bane and his family returned to the State of Texas where he died; that after such return none of these applicants has resided in the Cherokee Nation; that certain of the applicants are identified on the 1894 and 1896 Cherokee rolls. You denied the application in accordance with the provision of the act of June 28, 1898 (30 Stat., 495), that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The Acting Commissioner on July 29, 1902, stated that your decision should be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

COPY

Cherokee 2 ccd.

Muskogee, Indian Territory, September 3, 1902.

Fannie Dane,

Lanesville, Texas.

Madam:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

Cherokee R 648.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Thomas Owen,

Attorney for Fannie Rose,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting, among others, the application of Fannie Rose for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

COMMISSIONERS.
TAMES BIXBY,
TOM SAMPSON,
TOMPKINS McINTOSH,
C. R. ROBERTS, JUDGE.
MARVIN L. ANDERSON,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE REFER TO THIS FILE NUMBER
Shawnee 2 Sub.

ANSWER ONLY THE
SUBJECT GIVEN TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting, among others, the application of Fannie Bane for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

(COPY)

Commissioners,
Tams Bixby
Thomas B. Needles
C.H. Breckinridge.

Wm. O. Bell.
Secretary

B.C.J.
Address only the
Commission to the Five Civilized Tribes.

Tahlequah, Indian Territory, June 10, 1904

Commission to the Five Civilized Tribes,

(Cherokee Division)

Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith jackets and records in the following Cherokee cases:

Cherokee R-539.	Cordie Johnson, et al.
Cherokee R-460.	Walter N. Goss, et al.
Cherokee R-404.	Hugh B. Henry, et al.
Cherokee R-135.	George W. Martin, et al.

On April 4, 1904, these cases were reopened by the Secretary of the Interior and remanded to the Commission for the purpose of receiving further testimony in the same. On April 16, the principal applicants in the above cases, their attorneys and the Attorney for the Cherokee Nation, were advised of the action of the Department and notified that they would be given until May 18, 1904, in which to appear before this office for the purpose of introducing any further testimony they desired.

There were no appearances on or before May 18, 1904, and

the records in the above cases are therefore transmitted to the Commission for such further action as it desires to take.

Respectfully

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MBR
Encl R-193

COPY.

Cherokee R 540.

Muskogee, Indian Territory, May 17, 1905.

Fannie Bane,

Laneville, Texas.

Dear Madam:

There is herewith inclosed a copy of a letter of the Commission to the Five Civilized Tribes, dated May 17, 1905, to the Secretary of the Interior transmitting the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, and asking that its decision dated July 16, 1902, rejecting, among others, your said application, be adhered to.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-100
Register

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee R 569,

560.

Muskogee, Indian Territory, May 17, 1905.

Thomas Owen,

Attorney for Cordie Johnson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of a letter of the Commission to the Five Civilized Tribes, dated May 17, 1905, to the Secretary of the Interior transmitting the record of proceedings had in the matter of the application for the enrollment of Cordie Johnson, et al., as citizens by blood of the Cherokee Nation, and asking that its decision dated July 16, 1902, rejecting said application, be adhered to.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-101
Register

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee R 538-
540.

Muskogee, Indian Territory, May 17, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of a letter of the Commission to the Five Civilized Tribes, dated May 17, 1905, to the Secretary of the Interior transmitting the record of proceedings had in the matter of the application for the enrollment of Cordie Johnson, et al., as citizens by blood of the Cherokee Nation, and asking that its decision dated July 16, 1902, rejecting said application, be adhered to.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-102

(SIGNED) Tams Bixby.
Chairman.

A. F. Ns.

Muskogee, Indian Territory, May 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

The Department in its letter of April 4, 1904, (I. T. D. 7182-1903), upon request of the Commission, remanded the case of Cordie Johnson, et al., Cherokee R-539 and Fannie Bane, Cherokee R-540, for readjudication in the light of the Yeargain and other similar cases.

Upon re-examination of said cause, this Commission can find no error in its decision of July 16, 1902, denying the applications of said Cordie Johnson for the enrollment of herself and her brothers and sisters, Madgie Bane, Leonard Bane, Josie Bane and Vinnie Bane, and her minor children, Jewelle Johnson, Margie Johnson and Myrtle Johnson, and of Fannie Bane for the enrollment of herself, as citizens by blood of the Cherokee Nation, and considers the rulings in the Yeargain and other similar cases

not applicable to the within cause, and respectfully recommends its said decision be approved.

Respectfully,

(Signed) Tams Bixby,
Chairman

(Signed) T. B. Needles,
Commissioner

(Signed) C. R. Breckinridge,
Commissioner

Enc. R-539 and R-540.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee R-340.

Muskogee, Indian Territory, June 27, 1903.

Fannie Bane,

Lamesville, Texas,

Dear Madam:

You are hereby advised that the Commission's decision dated July 15, 1902, rejecting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was reaffirmed by the Secretary of the Interior on June 17, 1903.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Muskogee, Indian Territory, October 30, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith "Motions for rehearing and readjudication" of the Cherokee enrollment cases of Cordie Johnson et al., and Fannie Bane. This motion was filed with this office June 21, 1906; reply thereto by the Attorney for the Cherokee Nation, filed July 5, 1906, and reply brief of Attorneys for applicants, filed July 12, 1906, are also enclosed.

The decision of the Commission to the Five Civilized Tribes dated July 16, 1902, rejecting the applications for the enrollment of Cordie Johnson and her sisters, Madgie, Josie and Vinnie Bane, and brother ,Leonard Bane, and her minor children, Jewelle, Margie, and Myrtle Johnson, and of Fannie Bane, as citizens by blood of the Cherokee Nation, was affirmed by the Department, August 16, 1902 (I.T.D. 4801-1902); April 4, 1904 (I.T.D. 7162-1903), at the re-

quest of the Commission, the Department remanded said cases for rehearing and readjudication; April 17, 1905, the Commission recommended approval of its decision of July 16, 1902, adverse to the applicants, and on June 17, 1905(I.T.D. 6346-1905), the Department, concurring in the Commission's recommendation, affirmed said decision.

This motion is supported by the affidavits of John Reaves, W. S. Agnew and John D. Jordan, and in accordance with the rulings of the Department March 24, 1906 (I.T.D. 6206-1903), in the Cherokee freedman case of Ann Johnson, this motion should not be considered as one for review. The record shows that B. F. Bane, father of the principal applicants, together with his four children, Cordie, Wannie, Madge and Leonard Bane, were admitted to citizenship in the Cherokee Nation by the Cherokee National Council December 11, 1893, with the provision "that this Act shall not go into effect until said B. F. Bane and children shall have permanently located in the Cherokee Nation;" that B. F. Bane and family were living in the Cherokee Nation at the time of their admission and continued to reside there until August of 1893, when they returned to Texas, where the father died and the applicants

herein have since continued to reside. No claim is made in the motion, of the discovery of new evidence, and John Reaves, W. S. Agnew and John D. Jordan who executed the affidavits in support of the motion, testified when the case was heard before the Commission the second time. This case is nearly identical with the case of Ora M. Bonds, nee Camp, the subject of Departmental decision of October 1, 1906 (I.T.D. 18782-1906), and the approved opinion of the Assistant Attorney General of September 24, 1906, in which the Department rejected the application for the enrollment of Ora M. Bonds and James . Camp, as citizens by blood of the Cherokee Nation.

It is, therefore, respectfully recommended that the motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

L M R

Commissioner

Encl.-B 10

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 31, 1906, (I.T.D. 24500-1906), denying a motion for "Rehearing and readjudication" of the Cherokee enrolment case of Cordia Johnson et al., transmitted by this office with letter of October 30, 1906, which motion was filed by Irvin Donavan and Brook and Brook, attorneys for the applicants, there is enclosed a motion for review filed by said attorneys February 8, 1907.

There appears to be nothing contained in this motion which has not heretofore been considered in connection with the case, and it is respectfully recommended that same be denied.

The reply of the attorney for the Cherokee Nation to this motion filed February 12, 1907, is also enclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

MSS
23-2

Cher R 541

See Cher 7270

Cher R 541

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 14th 1901.

In the matter of the application of Freeman Fields for the enrollment of himself, wife and children as Cherokee citizens. He being sworn before Commissioner C. R. Breckinridge, testified as follows-

Q What is your name? A. Freeman Fields.
Q What is your age? A. 26.
Q What is your post office? A. Southwest City.
Q Indian Territory? A. Missouri.
Q Do you live in the Cherokee Nation? A. Yes sir.
Q In what district? A. Delaware.
Q Who do you want to enroll? A Myself and family.
Q Have you a wife? A. Yes sir.
Q How many children? A. Two.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your wife a Cherokee by blood? A. No sir.
Q How long have you lived in the Cherokee Nation? A. All my life I was born and raised here.
Q Give me the name of your father? A. George.
Q Is he dead? A. No sir.
Q Give me the name of your mother? A. Sarah.
Q Is she dead? A. No sir.
Q Give me the name of your wife? A. Margaret D.
Q How old is she? A. 25.
Q When did you marry her? A. In '97.
Q Have you a certificate of marriage? A. Yes sir.
Q What was the name of your wife when you married her? A. Robinson.

The applicant files a certificate showing that he and his wife as stated by him were married January, 11th 1897 by the Rev. Wm. Thompson.

Q Were you ever married except to this wife? A. No sir.
Q Have you and she lived together since your marriage? A. Yes sir.
Q Give me the names of your children. A. William E.
Q How old? A. Three.
Q Next child? A. Nila M.
Q How old? A. Nine months.

Upon an examination of the authenticated roll of 1880 of the Cherokee Nation there is found on page 256, #1005 thereof the name of Ramond Fields in Delaware district.

Upon an examination of the Cherokee census roll of 1896 there is found on page 470, #1136 thereof the name of Freeman Fields in Delaware district.

Q You didn't have a brother named Ramond did you? A. No sir.
Q Did you have a brother named Walker? A. Yes sir.
Q Was he a twin brother? A. No sir half brother.
Q So this Ramond on the roll of 1880, five years old, was simply the way they put you down? A Yes sir.

By Com'r Breckinridge.-
The applicant applies for the enrollment of himself wife and two children. He is identified on the 1880 and 1896 rolls as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. His wife is a white woman. He is shown to have married her, by a certificate filed herewith, on the 11th of January, 1897; neither was previously married, and they have lived together ever since their marriage. Her marriage, however, is too late under the Cherokee law of December, 16th 1898 to entitle her to enrollment, and therefore the application for her enrollment is rejected. When the Commission is supplied with certificates of the birth of the two children of this marriage, William E. and Nila M., they also will be listed for enrollment as Cherokees by blood.

[redacted]

[redacted]

Chauvreul

[redacted] to before me this [redacted] of [redacted], [redacted].

[redacted]

R541 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 14 1901

ACTING CHAIRMAN

Cher. R 541

MARRIAGE CERTIFICATE

Grove, Indian Territory, C. N.

This is to certify that Freman Fields (Cherokee) and Miss Margaret Bailey Robinson, a citizen of the United States were joined in the Holy Bonds of Matrimony on the 12th of Jan. 1897. By the undersigned an ordained Minister according to usages and forms of the church. Thereof I am a minister, given under my hand this the 15th of Jan. 1897.

(Signed) W. H. Thompson, M. G.

Witness:
J. H. Thompson.
Ovis Thompson.
(SEAL)

Recorded in Book A. page 60 this the 6th day of Aug. 1897.
(Signed) J. R. Hastings,

(SEAL) Clerk Del. Dist.
C. N.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. August 21, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the Application for enrollment of Freman Fields as a citizen of the Cherokee Nation.

Commissioner.

D

R541

COMMISSION TO INACTIVE CIVILIAN [illegible]

FILED
MAR 4 1902

ACTING [illegible]

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Margaret D. Fields, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. five hundred and forty-one, it is entitled Margaret D. Fields, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE NO. 8. 843.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. SCHOONOVER.

ALBERT L. ATLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Mrs. Margaret D. Fields,
Southwest City, Missouri.

MADAM:

On the 24th day of February, 1902,

your husband, Freeman Fields,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed." A

It appears from the testimony in this case that you were married on the 11th day of January, 1897, 190..., to one Freeman Fields, your said husband, ...a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

Inclosure.

[redacted].

Register.

Commissioner in Charge.

Cherokee R-641

Muskogee, Indian Territory, August 22, 1902.

Freeman Fields,
Southwest City, Missouri,

Dear Sir:

When you applied to this Commission for the enrollment of Margaret D. Fields as a citizen of the Cherokee Nation, you filed with that application marriage certificate showing your marriage on January 11, 1897, to Miss Margaret Delilah Robbinson.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-2.

[illegible] OF THE INTERIOR,
[illegible] TO [illegible] UTILIZED TIMBER
[illegible] ED
[illegible] 1902

[illegible] ACTING CHAIRMAN

L. R. S.

F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2150-1902.
E. C. 6228-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Nila Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Margaret D. Fields, R 541, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Nila Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ACTING CHAIRMAN.

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 8981-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 18, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 330, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles F. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.L.

Cher.Case R-641

Muskogee, Indian Territory, April 27, 1902.

Margaret D. Fields,

Southwest City, Missouri,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BREDRINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Margaret D. Fields, Cherokee No. R-541, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-541.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Margaret D. Fields, Cherokee No. R 541, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Margaret D. Fields *for enrollment as* a *citizen of the Cherokee Nation*

Attorney for Cherokee Nation.

Cherokee No. R. 541.

END

OF

ROLL